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REGISTER RULES OF GOVERNMENTAL AGENCIES



Volume 24, Issue 41
October 6, 2000

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ILLINOIS REGISTER

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Issue 16 - April 14, 2000: Data Through March 31, 2000	
Issue 29 - July 14, 2000: Data Through June 30, 2000	
Issue 42 - October 13, 2000: Data Through September 30, 2000	
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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 2000

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 27, 1999	January 7, 2000	Issue 28	June 26	July 7
Issue 2	January 4, 2000*	January 14	Issue 29	July 3	July 14
Issue 3	January 10	January 21	Issue 30	July 10	July 21
Issue 4	January 18*	January 28	Issue 31	July 17	July 28
Issue 5	January 24	February 4	Issue 32	July 24	August 4
Issue 6	January 31	February 14**	Issue 33	July 31	August 11
Issue 7	February 7	February 18	Issue 34	August 7	August 18
Issue 8	February 14	February 25	Issue 35	August 14	August 25
Issue 9	February 22*	March 3	Issue 36	August 21	September 1
Issue 10	February 28	March 10	Issue 37	August 28	September 8
Issue 11	March 6	March 17	Issue 38	September 5*	September 15
Issue 12	March 13	March 24	Issue 39	September 11	September 22
Issue 13	March 15	March 26	Issue 40	September 18	September 29
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Issue 17	April 10	April 21	Issue 43	October 16	October 27
Issue 18	April 17	April 28	Issue 44	October 23	November 3
Issue 19	April 24	May 5	Issue 45	October 30	November 13**
Issue 20	May 1	May 12	Issue 46	November 6	November 17
Issue 21	May 8	May 19	Issue 47	November 13	November 27 **
Issue 22	May 15	May 26	Issue 48	November 20	December 1
Issue 23	May 22	June 2	Issue 49	November 27	December 8
Issue 24	May 30*	June 9	Issue 50	December 4	December 15
Issue 25	June 5	June 16	Issue 51	December 11	December 22
Issue 26	June 12	June 23	Issue 52	December 18	December 29
Issue 27	June 19	June 30	Issue 1	December 26*	January 5, 2001

* Tuesday 12 noon deadline following a state holiday.

** Monday publication date following a state holiday.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Practice in Administrative Hearings

- 2) Code Citation: 89 Ill. Adm. Code 14

- 3) Section Numbers:

14.1 New
 14.2 New
 14.5 New
 14.10 New
 14.11 New
 14.12 New
 14.15 New
 14.20 New
 14.21 New
 14.22 New
 14.23 New
 14.30 New
 14.35 New
 14.40 New
 14.45 New
 14.50 New
 14.55 New
 14.60 New
 14.70 New
 14.80 New
 14.90 New
 14.100 New
 14.101 New
 14.102 New
 14.300 New
 14.310 New
 14.320 New
 14.330 New
 14.340 New
 14.350 New
 14.360 New
 14.370 New
 14.380 New

- 4) Statutory Authority: Implementing Sections 11-8 through 11-8.7, 12-4.9, and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.25, and 12-13].

- 5) A. Complete Description of the Subjects and Issues Involved: This rulemaking adds a new Part to the Department of Human Services rules. The new rulemaking will become the rule for the clients and recipients of many DHS programs. The programs included in this rulemaking are listed in the rule.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

- 6) Will this proposed rule replace an emergency rule currently in effect?
 No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule contain incorporations by reference? No

- 9) Are there any other rules pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking neither creates nor expands a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Bldg.
 Springfield IL 62762
 (217) 785-9772

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the Department did not previously anticipate the requirement for these rules.

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

TITLE 89: SOCIAL SERVICES
CHAPTER 1: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER A: GENERAL PROVISIONS

PART 14

PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEAL

Section

- 14.1 Purpose
- 14.2 Incorporation by Reference
- 14.3 Definitions
- 14.4 Initiation of an Appeal
- 14.5 Pre-Hearing Meeting
- 14.6 Review of Case Record
- 14.7 Notice of Hearing
- 14.8 Venue and Conduct of Hearings
- 14.9 Representation
- 14.10 Appellant Participation in Hearing
- 14.11 Evidentiary Requirements
- 14.12 Subpoenas
- 14.13 Amendment of Appeal
- 14.14 Consolidation of Appeals
- 14.15 Postponement or Continuation of Hearings
- 14.16 Withdrawal of Appeal
- 14.17 Closing of Hearing Record
- 14.18 Dismissal of Appeal
- 14.19 Final Administrative Decision
- 14.20 Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section

- 14.100 Responsible Relative and Joint Payee Petitions
- 14.101 Petition for Hearing
- 14.102 Conduct of Administrative Support Hearings

SUBPART C: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section

- 14.300 Suspected Intentional Violation of the Program
- 14.310 Advance Notice of Administrative Disqualification Hearing
- 14.320 Postponement of Hearing
- 14.330 Administrative Disqualification Hearing Procedures
- 14.340 Failure to Appear
- 14.350 Participation While Awaiting a Hearing
- 14.360 Consolidation of Administrative Disqualification Hearing with Fair

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- 14.370 Hearing
Administrative Disqualification Hearing Decision and Notice of Decision
- 14.380 Appeal Procedure

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ICS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

SUBPART A: ASSISTANCE APPEAL

Section 14.1 Purpose

This Part applies to Public Assistance appeals filed by or on behalf of applicants or recipients of assistance under the Department of Human Services.

Section 14.2 Incorporation by Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or additions.

Section 14.5 Definitions

"Appeal" or "Fair Hearing" means the contesting of an action taken by the Department by an applicant or recipient of public assistance services. Such action may include but is not limited to the following: refusal to accept an individual's application; failure to act on the application; denial of an application; a decision to reduce, suspend or terminate, or change the amount of assistance; failure of the Department to take appropriate action on the individual's request; a decision affecting the basis for issuance of food stamps; and any issues of Department policy that, when applied, aggrieve the individual.

"Appellant" means the individual or his/her authorized representative who has applied for, received, or been denied financial assistance, medical assistance or food stamps and is appealing an action or inaction of the Department. All references to appellant include any authorized representative.

"Business Day" means any day that the offices of the State of Illinois are open for business. This would exclude Saturdays, Sundays and State holidays.

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"Day" means a calendar day unless otherwise specified.

"Department" means the Illinois Department of Human Services.

"Hearing Officer" means the individual authorized by the Secretary to preside at the hearing.

"Notice" means written correspondence sent by the Department to an individual to inform the individual of actions taken by the Department. (See 89 Ill. Adm. Code 102.70.)

"Party" means the Department or person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party [5 ILCS 100/1-55] or the appellant.

"Public Aid Committee" means the committee of local government that consists of the membership as spelled out in Section 11-8 of the Public Aid Code [305 ILCS 5/11-8] to hear appeals of applicants or recipients of General Assistance as governed by Article VI of the Public Aid Code [305 ILCS 5/Art. VI].

"Public Assistance" means the provision of various programs of financial and medical assistance, including the following:

"AABD" -- Aid to the Aged, Blind or Disabled financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration. (See 89 Ill. Adm. Code 113.)

"Child Care" -- Public Assistance to pay for the child care of eligible families under qualified circumstances.

"Financial Assistance" -- Public Assistance paid in the form of a cash benefit to a recipient for income maintenance needs.

"Food Stamps" -- Increased food purchasing benefits assistance to eligible recipients. (See 89 Ill. Adm. Code 121.)

"General Assistance" -- Financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program. (See 89 Ill. Adm. Code 114.)

"Refugee Resettlement Program" -- Assistance for refugees from any country.

"Repatriate Program" -- Assistance for United States citizens and their dependents returned from a foreign country by the U.S.

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State Department.

"Medical Assistance Grant" (MAG) -- Medical assistance paid on behalf of a recipient of financial assistance.

"Medical Assistance No Grant-cases" (MANG) -- Medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance. This assistance includes:

MANG(AABD) -- Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Human Services; and

MANG(C) -- Medical assistance to needy families with children is available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

Temporary Assistance to Needy Families (TANF) -- Financial and medical assistance available to eligible families with one or more dependent children. (See 89 Ill. Adm. Code 112.)

"Representative" means an attorney or other individual authorized by the appellant to act on the appellant's behalf in the proceedings contained in this Part. The authorization shall be in writing and specify the scope of the representative's authority.

"Secretary" means the Secretary of the Illinois Department of Human Services.

Section 14.10 Initiation of an Appeal

a) For all appeals other than General and Transitional Assistance outside the City of Chicago, the appeal process is initiated by the appellant by:

- 1) filing a written, signed request with the Bureau of Assistance Hearings;
- 2) filing a written, signed request with the respective local office; or
- 3) telephoning a request to the Bureau of Assistance Hearing's toll free number for filing appeals.

b) A food stamp appeal may also be initiated by an oral request of the appellant to the local office.

c) For General and Transitional Assistance outside the City of Chicago,

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the appeal process is initiated by the appellant filing a written, signed request with the Public Aid Committee. (See Section 14.80.) For purposes of an appellant initiating the appeal process, a facsimile of a written, signed request for a fair hearing is considered the same as the original written, signed request.

e) An appeal may be filed by individuals who apply for or receive financial assistance, medical assistance, or food stamps, or by their authorized representatives. Authorized representatives must provide a written, signed authorization from the individual designating them as the individual's representative.

f) An appeal must be filed within the following time frames:

- 1) For a public assistance issue the appeal must be filed within 60 days after the Department's action to notify the client; or
- 2) For a food stamp issue the appeal must be filed within 90 days after the Department's action to notify the client.

Section 14.11 Pre-Hearing Meeting

a) The local office shall schedule a pre-hearing meeting with the appellant within 10 days after a notice of appeal is received. If the issue being appealed is a denial for expedited food stamps, the local office shall schedule a pre-hearing meeting within 2 business days after a notice of appeal is received.

b) If the appellant does not withdraw the appeal following the meeting, the Department shall complete a written statement of facts supporting its action or inaction and provide it to the appellant.

Section 14.12 Review of Case Record

Prior to the hearing the appellant shall have the opportunity to examine appellant's case record and obtain copies of case record material. Copies of the parts of the case record relevant to the hearing shall be provided free if requested by the appellant.

Section 14.15 Notice of Hearing

a) The Department shall send written notice to the appellant and any authorized representative of the time, date and place of the hearing.

b) The written notice for food stamp hearings shall be provided to the appellant and any authorized representative at least 10 days prior to the hearing.

Section 14.20 Venue and Conduct of Hearings

a) All hearings will be conducted in the county in which the appellant resides or in another county acceptable to the appellant. Hearings under this Section may be conducted with some or all of the parties, including the hearing officer, at different locations connected with

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each other by telephone [305 ILCS 5/11-8.2].

b) If the appellant is outside the State, the hearing officer may take depositions from the appellant and the appellant's witnesses or permit the appellant to present all relevant matter in support of this claim. This may be accomplished through witnesses acting in the appellant's behalf, or both by deposition or testimony of witnesses, depending upon the circumstances in each case [305 ILCS 5/11-8.2].

c) All hearings will be conducted by:

- 1) An impartial hearing officer authorized by the Secretary to consider issues under appeal covered by this part; or
 - 2) A Public Aid Committee for General and Transitional Assistance appeals outside the City of Chicago.
- d) The hearing shall be open to such persons as the hearing officer or the Public Aid Committee deems necessary and proper for the orderly and efficient conduct of the hearing.

Section 14.21 Representation

The appellant may appear without representation at the hearing or may be represented by legal counsel or other authorized representative, in which case the appellant need not be present at the hearing. The representative must have a written authorization signed by the appellant prior to any action taken on behalf of the appellant. The action or inaction of an authorized representative shall be deemed to be action or inaction of the appellant.

Section 14.22 Appellant Participation in Hearing

a) The appellant shall have the opportunity to:

- 1) Present evidence and witnesses in the appellant's behalf.
 - 2) Refute testimony or other evidence and cross-examine witnesses.
- b) If an appellant dies before the date of hearing, the appeal process may be pursued by someone acting responsibly in the appellant's behalf.

Section 14.23 Evidentiary Requirements

The hearing shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure, but shall be conducted in a manner best calculated to conform to substantial justice.

Section 14.30 Subpoenas

Subpoenas may be requested by the appellant prior to the hearing. Subpoenas may be granted at the discretion of the hearing officer.

Section 14.35 Amendment of Appeal

A request to amend an appeal may be made in writing prior to the hearing, or at

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the hearing. The appeal may be amended only if, in the judgment of the hearing officer, the amendment is germane to the subject matter of the original request for an appeal hearing.

Section 14.40 Consolidation of Appeals

- a) The Department may consolidate a number of individual appeals for the purpose of conducting a single group hearing if it is determined that all of the appeals involve the same issue or similar issues, and the only issues in question are the application of State or federal law or policy.
- b) An appellant may withdraw from the group and present an appeal individually if, in the judgment of the hearing officer, it is warranted by the circumstances.
- c) The Department may consolidate a number of appeals filed by the same individual into a single hearing.

Section 14.45 Postponement or Continuation of Hearings

- a) The Department may postpone or continue a hearing as provided in this Section. As used in this Section, a "postponement" is a decision not to convene the hearing on its scheduled date. A "continuance" is a decision not to proceed with a hearing that has convened.
- b) A request for postponement or continuance may be made by the appellant or the appellant's authorized representative. Except for the appellant's request for the first postponement of a food stamp appeal, a request to postpone a hearing must be received by the Bureau of Assistance Hearings at least 2 business days prior to the scheduled hearing date. A request for postponement made less than 2 business days prior to the scheduled hearing date will be granted only upon a showing of good cause as defined in Section 14.60(e).
- c) If the request for a continuance or postponement is granted, the Bureau of Assistance Hearings shall schedule a hearing as early as is reasonably practicable and shall notify the parties of the new date, time and place of the hearing.
- d) The appellant's first request for a postponement or continuance does not require a showing of good cause, if submitted timely. All subsequent requests for postponement or continuance will be granted only upon a showing of good cause. Good cause to postpone or continue a hearing includes, but is not limited to, the reasons set forth in Section 14.60(e).

Section 14.50 Withdrawal of Appeal

An appeal may be withdrawn by the appellant either prior to or at the hearing. A withdrawal must be in writing and signed by the appellant or entered on the record.

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Section 14.55 Closing of Hearing Record

At the adjournment of the hearing, the record shall be closed and no further evidence may be submitted. Prior to adjournment of the hearing, a request to leave the record open for a specified period for the submittal of additional evidence specifically identified during the hearing may be granted by the hearing officer.

Section 14.60 Dismissal of Appeal

- a) An appeal shall be dismissed if:
 - 1) the appellant or the appellant's authorized representative does not appear at the time, date and place designated for the hearing; or
 - 2) the appellant or the appellant's authorized representative fails to appear or refuses to proceed with the hearing.
- b) The appellant shall be informed of the dismissal by written notice.
- c) When an appellant whose assistance has been continued unchanged as a consequence of a request for a hearing does not appear at a scheduled hearing, and fails to advise the Department or Public Aid Committee of his or her inability to attend, the Department shall proceed with the planned change in assistance and/or food stamp benefits. This action will not be taken if the Department determines that there was good cause for the appellant's absence. (See subsection (e) below.)
- d) Request to vacate a dismissal must be in writing and signed by the appellant or the appellant's authorized representative. Such requests must be received by the Bureau of Assistance Hearings not more than 10 days after the date of the dismissal notice.
- e) Dismissals shall be vacated only if good cause for non-appearance is shown. Good cause is defined as:
 - 1) death in the family;
 - 2) personal injury or illness that reasonably prohibits the appellant from attending the hearing; or
 - 3) sudden and unexpected emergency.
- f) Disposition by dismissal is a Final Administrative Decision.

Section 14.70 Final Administrative Decision

- a) Following the hearing, a Final Administrative Decision will be made by the Secretary that either upholds or does not uphold the appealed action or determines that the Department lacks jurisdiction. A copy of the decision shall be mailed to the appellant and any representative.
- b) If the appeal involves Public Assistance issues or both food stamp and Public Assistance issues, the Department shall issue and implement a Final Administrative Decision within 90 days after receipt of a notice of appeal and request for a hearing, unless additional time is required and allowed by the program's rules for a proper disposition

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of the appeal. This time period shall be extended by any delay in the hearing process caused by the appellant.

c) If the appeal involves food stamps but not Public Assistance, the Department shall issue and implement a Final Administrative Decision within 60 days after receipt of a notice of appeal and request for a hearing, unless additional time is required and allowed by the program's rules for a proper disposition of the appeal. This time period shall be extended by any delay in the hearing process caused by the appellant.

d) When the appealed action is not upheld, the Department shall take appropriate action, in accordance with the decision, including authorization of retroactive assistance benefits, if necessary. In food stamp cases, if the decision results in an increase in household benefits, the increase shall be reflected in the food stamp benefit amount within 10 days after receipt by the local office of the hearing decision. If the decision results in a decrease of food stamp benefits, the decrease shall be reflected in the next scheduled issuance following receipt of the hearing decision.

e) A Final Administrative Decision, released by the Department or a Public Aid Committee, is reviewable only through the Circuit Courts of the State of Illinois.

f) After a Final Administrative Decision is released, no petition for rehearing or reconsideration is allowed. Neither the filing of any such motion, or correspondence in the nature of such a motion, nor any response by the Department to such correspondence or motion will delay the time for filing of a complaint in the Circuit Court.

Section 14.80 Public Aid Committee

In each county a Public Aid Committee to consider appeals shall have the following composition:

- a) In counties under township organization (except Cook County), the Committee shall consist of the Chairman of the County Board and 4 County Board members.
- b) In Cook County, the Public Aid Committee shall consist of 5 Supervisors of General Assistance appointed by the President of the Cook County Board of Commissioners from townships outside the City of Chicago.
- c) In Commission form counties, the Public Aid Committee shall consist of the County Board of Commissioners.

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS**Section 14.100 Responsible Relative and Joint Payee Petitions**

Sections 14.101 and 14.102 apply to all petitions of responsible relatives for release from or modification of Administrative Support Orders, or to contest determinations of the amount of past-due support or of the share of

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jointly-owned funds (see 305 ILCS 5/10-13).

Section 14.101 Petition for Hearing

- a) Any responsible relative aggrieved by an administrative support order entered, determination of past-due support or determination of the share of jointly-owned funds made by the Department may petition for a hearing for release from or modification of the order or to contest the determination.
- b) The petition under subsection (a) above shall be filed within 30 days after the date of mailing of such order or determination. The day immediately following the mailing of the order or determination shall be considered as the first day and the day the petition is received by the Department shall be considered as the last day in computing the 30 day appeal period.

Section 14.102 Conduct of Administrative Support Hearings

- a) Hearing De Novo

The hearing shall be de novo and the Department's determination of liability or non-liability pursuant to the hearing shall be independent of the prior determination of liability.

- b) Rules Governing Hearing

Hearings on petitions for release from or modification of the Administrative Support Order shall be governed by Sections 14.10 through 14.70, except that "appellant" as used within those Sections shall refer to the responsible relative who petitions.

SUBPART C: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS**Section 14.300 Suspected Intentional Violation of the Program**

If the documentation supports the claim of intentional violation of the program, the Department shall send the individual a notice of suspected intentional violation of the program and of the opportunity to waive the administrative disqualification hearing. Examples of this documentation include statements made by a household member on his application, statements made by a household member and recorded in his case record by the caseworker, and statements made by an employer indicating employment of a household member that conflicts with information on the household member's application. Based upon an evaluation of the facts, the Department may refer cases of suspected intentional violation for criminal prosecution. Factors considered by the Department in its evaluation include, but are not limited to, the dollar amount at issue, evidence of willful intent to defraud, and the weight of the evidence.

Section 14.310 Advance Notice of Administrative Disqualification Hearing

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

The Department shall provide written notice to a household member suspected of intentional violation of the food stamp program at least 30 days in advance of the date an administrative disqualification hearing has been scheduled. The notice shall contain:

- a) The date, time and place of hearing.
- b) The charge against the household member.
- c) A summary of the evidence and how and where it can be examined.
- d) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear.
- e) A statement that the household member or representative will have 10 days after the date of the hearing to present good cause for failure to appear in order to receive a new hearing. (See Section 14.60(e) for definition of good cause.)
- f) A warning that a determination of intentional violation of the program will result in a 12 month disqualification for the first violation, 24 month disqualification for the second violation, and a permanent disqualification for the third violation, and a statement of which penalty the Department believes is applicable to the case schedule for hearing.
- g) A listing of the household member's rights.
- h) A statement that the hearing does not preclude a prosecution for civil or criminal fraud.
- i) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice. The household member is also sent a waiver of right to an administrative disqualification hearing pursuant to 7 CFR 273.16(f). If the household member wishes to waive the right to a hearing, that individual must sign the waiver and return it to the Department within 20 days after the date of notification.

Section 14.320 Postponement of Hearing

The household member is entitled to one postponement of up to 30 days. If the hearing is postponed, the 90 day time limit for issuing a decision shall be extended for as many days as the hearing is postponed.

Section 14.330 Administrative Disqualification Hearing Procedures

- a) The Department shall conduct a hearing, issue a decision, and notify the household member and local office of the decision within 90 days after the date the household member is notified in writing of the scheduling of an administrative disqualification hearing.
- b) The hearing shall be conducted by an impartial hearing officer.
- c) The household has the same rights during an administrative disqualification hearing that it has during a fair hearing. (See Section 14.22.) In addition to the fair hearing rights, the household member shall be informed of the individual's right to remain silent concerning the charge, and that anything said or signed by the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

individual concerning the charge can be used against him or her in a court of law.

d) The hearing procedures shall be published and made available to any interested party.

Section 14.340 Failure to Appear

If the household member or representative cannot be located or fails to appear at the scheduled hearing without good cause, the hearing shall be conducted without the household member represented. Even though the household member is not represented, the hearing officer is required to consider the evidence and determine if an intentional violation of the program was committed based on clear and convincing evidence. If a determination of intentional violation of the program is made, the household member has 10 days after the date of the scheduled hearing to present reasons showing good cause for failure to appear. (See Section 14.60(e) for definition of good cause.) The Bureau of Assistance Hearings shall determine if the household member had good cause for not appearing and make a determination as to whether a new hearing should be scheduled.

Section 14.350 Participation While Awaiting a Hearing

A pending administrative disqualification hearing shall not affect the individual's or the household's right to be certified and participate in the program. Eligibility and level of benefits are determined in the usual manner while the administrative disqualification hearing is pending. The household member suspected of intentional violation of the program is eligible until a hearing officer issues a decision that the individual committed an intentional violation of the program.

Section 14.360 Consolidation of Administrative Disqualification Hearing with Fair Hearing

A fair hearing and an administrative disqualification hearing may be combined into a single hearing if the factual issues arise out of the same or related circumstances and the household received prior notice that the hearings will be combined. If a single hearing is held, the time line standards for administrative disqualification hearings, as set out in this Subpart, shall be followed.

Section 14.370 Administrative Disqualification Hearing Decision and Notice of Decision

- a) The hearing officer shall base the decision on whether there is clear and convincing evidence that the household member intentionally violated the program.
- b) If the hearing officer finds that the household member intentionally violated the program, that member shall be sent a notice that shall

DEPARTMENT OF HUMAN SERVICES

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- Include the decision and the reason for the decision.
- c) The Department shall notify the household of the date the disqualification takes effect and the status of remaining eligible household members.
 - d) If the hearing officer finds that the household member did not intentionally violate the program, the household member shall be sent a notice informing that member that any over-issuance received by that household will be collected through an unintentional household error claim by the Department.

Section 14.380 Appeal Procedure

The hearing officer's decision is the Final Administrative Decision. No further administrative appeal procedure exists after a finding of intentional violation of the program by an administrative disqualification hearing or after a household member signs a fair hearing decision cannot reverse a disqualification hearing. A fair hearing decision cannot reverse a disqualification decision under Subpart C. However, a household member is entitled to seek relief from a disqualification decision in a court having appropriate jurisdiction.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Injection Restrictions
- 2) Code citation: 35 Ill. Adm. Code 738
- 3) Section Numbers: Proposed Action:
738.118 Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, and 27.
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 7, 2000, proposing amendments for public comment in consolidated UIC update docket R00-11/R01-1, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during two update periods. It is a segment of a larger Board proceeding that involves associated amendments to 35 Ill. Adm. Code 702, 704, 730, and 738. For a description of the federal actions underlying these amendments, see the Notice of Proposed Amendments for 35 Ill. Adm. Code 702 in this issue of the *Illinois Register*.

Specifically, the amendments to Part 738 implement segments of the March 17, 2000 federal withdrawal of the organobromine waste listings and land disposal restrictions and the June 8, 2000 corrections to the March 17, 2000 withdrawal.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to first Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

- 6) Will these proposed amendments replace emergency amendments currently in effect? NO
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No. The segments of the text of Part 738 under amendment in this proceeding do not include incorporations by reference.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they own or operate an underground injection well. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated Docket R00-11/R01-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate an underground injection well. In particular, the amendments will affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a Class V injection well, particularly a large-capacity cesspool or an automotive waste disposal well.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this Rulemaking was Summarized: January 2000, July 2000

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NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS
TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WASTE DISPOSAL
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER G: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 738
HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

- Section
738.101 Purpose, Scope, and Applicability
738.102 Definitions
738.103 Dilution Prohibited as a Substitute for Treatment
738.104 Case-by-Case Extensions of an Effective Date
738.105 Waste Analysis
- SUBPART B: PROHIBITIONS ON INJECTION
- Section
738.110 Waste Specific Prohibitions - Solvent Wastes
738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes
738.112 Waste Specific Prohibitions - California List Wastes
738.113 Waste Specific Prohibitions - First Third Wastes
738.114 Waste Specific Prohibitions - Second Third Wastes
738.115 Waste Specific Prohibitions - Third Third Wastes
738.116 Waste Specific Prohibitions - Newly-Listed Wastes
738.117 Waste-Specific Prohibitions - Newly-Listed Wastes
738.118 Waste-Specific Prohibitions - Newly Listed and Identified Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

- Section
738.120 Petitions to Allow Injection of a Prohibited Waste
738.121 Required Information to Support Petitions
738.122 Submission, Review and Approval or Denial of Petitions
738.123 Review of Adjusted Standards
738.124 Termination of Adjusted Standards

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238,

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17466, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1695, effective January 19, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. _____, effective _____.

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.118 Waste-Specific Prohibitions - Newly Listed and Identified Wastes

- a) All newly identified D004 through D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b) of this Section, are prohibited from underground injection.
b) Characteristic ~~Effective May 26, 2009~~ ~~characteristic~~ hazardous wastes from titanium dioxide mineral processing and radioactive wastes mixed with newly identified D004 through D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.
c) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited from underground injection.
d) ~~The Effective May 17, 1999~~ ~~the~~ wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.
e) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection: K156, K157, K158, K159, K160, K161, P177, P128, P185, P189, P188, P190, P191, P192, P194, P196, P197, P198, P199, P201, P202, P203, P204, P205, U271, U277, U278, U279, U280, U364, U365, U366, U367, U372, U373, U375, U376, U377, U378, U379, U381, U382, U383, U384, U385, U386, U387, U389, U390, U391, U392, U393, U394, U395, U396, U400, U401, U402, U403, U404, U407, U409, U410, and U411.

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- P196
- P197
- P198
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- P201
- P202
- P203
- P204
- P205
- U271
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- f) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.
- g) ~~On April 8, 1988, the~~ wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection: D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043.
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- h) This subsection corresponds with 40 CFR 148.18(h), which USEPA has removed and marked "reserved." This statement maintains structural consistency with the federal regulations. ~~The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K140, and in 35 Ill. Adm. Code 721.133(f) as USEPA hazardous waste number B488 are prohibited from underground injection.~~
- i) ~~The Effective February 8, 1997, the~~ wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers K169 through K172 are prohibited from underground injection.
- (Source: Amended at 24 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: RCRA and UIC Permit Programs
- 2) Code citation: 35 Ill. Adm. Code 702
- 3) Section Numbers:
702.110
Proposed Action:
Amend
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 7, 2000, proposing amendments for public comment in consolidated UIC update docket R00-11/R01-1, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during two update periods. The dockets and time periods that are involved in this proceeding are the following:

R00-11 Federal UIC amendments that occurred during the period July 1, 1999, through December 31, 1999.

R01-1 Federal UIC amendments that occurred during the period January 1, 2000, through June 30, 2000.

The consolidated R00-11/R01-1 docket amends rules in Parts 702, 704, 730, and 738. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

64 Fed. Reg. 68546 (December 7, 1999)	Class V injection well amendments.
64 Fed. Reg. 70316 (December 16, 1999)	USEPA corrections to its amendments of December 7, 1999.
65 Fed. Reg. 5024 (February 2, 2000)	USEPA corrections to its amendments of December 7, 1999.

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NOTICE OF PROPOSED AMENDMENTS

- 65 Fed. Reg. 14472
(March 17, 2000)
- 65 Fed. Reg. 30886
(May 15, 2000)
- 65 Fed. Reg. 36365
(June 8, 2000)

Withdrawal of the organobromine production waste listings and LDRs.

Streamlining amendments to the NPDES permit rules, including an amendment to the UIC permit rules.

USEPA corrections to its action of March 17, 2000.

Specifically, the amendments to Part 702 implement segments of the federal Class V injection well amendments of December 7, 1999.

Section 13(c) of the Environmental Protection Act (415 ILCS 5/13(c)) provides that Section 5-35 of the Administrative Procedure Act (5 ILCS 100/5-35) does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

Will these proposed amendments replace emergency amendments currently in effect? No

Does this rulemaking contain an automatic repeal date? No

Do these proposed amendments contain incorporations by reference? No. Although the segments of the text of Part 702 under amendment in this proceeding include incorporations by reference, none of those are affected by the amendments.

Are there any other amendments pending on this Part? No

Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they own or operate an underground injection well. These mandates are, however, identical-in-substance to mandates imposed by federal law.

Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated Docket R00-11/R01-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

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Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate an underground injection well. In particular, the amendments will affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a Class V injection well, particularly a large-capacity cesspool or an automotive waste disposal well.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this rulemaking was summarized: January 2000, July 2000

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope, and Applicability
702.101	Purpose and Scope (Repealed)
702.102	Confidentiality of Information Submitted to the Agency or Board
702.103	References
702.104	Rulemaking
702.105	Adoption of Agency Criteria
702.106	Permit Appeals and Review of Agency Determinations
702.107	Variances and Adjusted Standards
702.108	Enforcement Actions
702.109	Definitions
702.110	

SUBPART B: PERMIT APPLICATIONS

Section	Permit Application
702.120	Who Applies
702.121	Completeness
702.122	Information Requirements
702.123	Recordkeeping
702.124	Continuation of Expiring Permits
702.125	Signatories to Permit Applications and Reports
702.126	

SUBPART C: PERMIT CONDITIONS

Section	Conditions Applicable to all Permits
702.140	Duty to Comply
702.141	Duty to Reapply
702.142	Need to Halt or Reduce Activity Not a Defense
702.143	Duty to Mitigate
702.144	Proper Operation and Maintenance
702.145	Permit Actions
702.146	Properly Rights
702.147	Duty to Provide Information
702.148	Inspection and Entry
702.149	Monitoring and Records
702.150	Signature Requirements
702.151	

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702.152 Reporting Requirements
 702.160 Establishing Permit Conditions
 702.161 Duration of Permits
 702.162 Schedules of Compliance
 702.163 Alternative Schedules of Compliance
 702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

Section
 702.181 Effect of a Permit
 702.182 Transfer
 702.183 Modification
 702.184 Causes for Modification
 702.185 Facility Siting
 702.186 Revocation
 702.187 Minor Modifications

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 16, 1997; amended in R99-15 at 23 Ill. Reg. 9359, effective July 26, 1999; amended in R00-11/R01-1 at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is

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NOTICE OF PROPOSED AMENDMENTS

sometimes placed within quotation marks as to an aid to readers. When a definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), or the "Environmental Protection Act", whichever is applicable, and applicable regulations promulgated under those statutes.

"Approved program or approved state" means a state or interstate program that has been approved or authorized by USEPA under 40 CFR 271 (1996) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of that is either 402 meters (one-quarter $\frac{1}{4}$ of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Cesspool" means a "drivewell" that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group

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NOTICE OF PROPOSED AMENDMENTS

of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or radiological substance or matter in water.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under Subpart S of 35 Ill. Adm. Code 724-Subpart-S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU must ~~shall~~ only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576; 33 USC 1251 et seq. (1996).

"Date of approval by USEPA of the Illinois UIC program" means March 3, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.128, is not a "draft permit". A "proposed permit" is not a "draft permit".

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"Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry, except when receiving fluids.

"Drilling mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in Subpart D of 35 Ill. Adm. Code 721-Subpart-B only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel in 35 Ill. Adm. Code 720.110.

"Emergency permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" ("EPA" or "USEPA") means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if:

The owner or operator has obtained the federal, state, and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial loss and which are to be completed within a reasonable time.

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"Injection well" (UIC) means an "injection well" other than a "water well".

"Facility mailing list" means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 700.103.

"Facility or activity" means any "HWM facility", UIC "injection well", or other facility or activity (including land or appurtenances) that is subject to regulations under the Illinois RCRA or UIC Act.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, state, and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State, or local hazardous waste control statutes, regulations or ordinances. (See 35 Ill. Adm. Code 700.102.)

"Final authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management Program that has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1996). USEPA granted initial final authorization on January, 31, 1986.

"Fluid" (UIC) means any material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation: fluid" (UIC) means "fluid" present in a "formation" under natural conditions, as opposed to introduced fluids, such as "drilling fluids".

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a

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zone of saturation.

"Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" (HWM facility) means a facility, contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment, storage, and disposal" operational units (for example, one or more surface impoundments, or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

"Improved sinkhole" means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and the geologic settings that have been modified by man for purposes of directing and emplacing fluids into the subsurface.

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations, or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility that is treating, storing, or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management program that has met the requirements of Section 3006(g)(2) of RCRA and applicable requirements of 40 CFR 271 (1996). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" that contains the information required by Subpart B of 35 Ill. Adm. Code 722-Subpart-B.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating,

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monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Section 12(f) of the Environmental Protection Act and Subpart A of 35 Ill. Adm. Code 309-Subpart--A and 310. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois.

BOARD NOTE: See 40 CFR 147.700 (1998) and 49 Fed. Reg. 3991 (Feb. 1, 1984).

"Off-site" (RCRA) means any site that is not "on-site".

"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704-Subpart-E), or any permit that has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit".

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth,

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erection of forms or structures, or similar activity to prepare an "HWM facility" to accept hazardous waste".

"Plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"Point of injection" means the last accessible sampling point prior to waste fluids being released into the subsurface environment through a Class V injection well. For example, the point of injection of a Class V septic system might be the distribution box-the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"POTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("POTW") is as defined in 35 Ill. Adm. Code 310.

"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, P.L. 96-510, 42 USC 6901 et seq. (1996)). For the purposes of regulation under 35 Ill. Adm. Code 700 through 705, 720 through 728, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the USEPA Region in which the facility is located or the Regional Administrator's designee.

"Remedial Action Plan" or "RAP" means a special form of RCRA permit that a facility owner or operator may obtain pursuant to Subpart H of 35 Ill. Adm. Code 703-Subpart-H, instead of a RCRA permit issued under this Part and 35 Ill. Adm. Code 703, to authorize the treatment,

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storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Sanitary waste" means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (P.L. 93-523, as amended, 42 USC 300f et seq. (1996)).

"Septic system" means a well, as defined in this section, that is used to replace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental Protection Agency.

"State/USEPA agreement" means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated,

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disposed of, or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway, or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion that is not an "exempted aquifer" and of which either of the following is true:

It supplies any public water system; or

It contains a sufficient quantity of groundwater to supply a public water system; and

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It currently supplies drinking water for human consumption;
or

It contains less than 10,000 mg/l total dissolved solids.

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility that is subject to regulation under Subpart A of 35 Ill. Adm. Code 309-Subpart-A or 310; and

Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension; or a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

"Well injection" (UIC) means the subsurface emplacement of fluids through a bored, drilled, or driven well or through a dug well where the depth of the dug well is greater than the largest surface dimension.

BOARD NOTE: Derived from 40 CFR 144.3 (19931998), as amended at 64 Fed. Reg. 58365 (Dec. 7, 1999), and 270.2 (19931998), as amended at 63 Fed. Reg. 65941 (November 30, 1998).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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1) Heading of the Part: UIC Permit Program

2) Code citation: 35 Ill. Adm. Code 704

Section Numbers	Proposed Action
704.102	Amend
704.105	Amend
704.106	Amend
704.107	Amend
704.145	Amend
704.146	Amend
704.148	Amend
704.279	New
704.280	New
704.281	New
704.282	New
704.283	New
704.284	New
704.285	New
704.286	New
704.287	New
704.288	New
704.289	New

4) Salutatory authority: 415 ILCS 5/7.2, 13, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 7, 2000, proposing amendments for public comment in consolidated UIC update docket R00-11/R01-1, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during two update periods. It is a segment of a larger Board proceeding that involves associated amendments to 35 Ill. Adm. Code 702, 704, 730, and 738. For a description of the federal actions underlying these amendments, see the Notice of Proposed Amendments for 35 Ill. Adm. Code 702 in this issue of the *Illinois Register*.

Specifically, the amendments to Part 704 implement segments of the federal Class V injection well amendments of December 7, 1999 and the December 16, 1999 and February 2, 2000 corrections to those amendments.

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Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. The segments of the text of Part 704 under amendment in this proceeding do not include incorporations by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they own or operate an underground injection well. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this Proposed Rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated Docket R00-11/R01-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate an underground injection well. In particular, the amendments will affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a Class V injection well, particularly a large-capacity cesspool or an automotive waste

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disposal well.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory on which this rulemaking was summarized: January 2000, July 2000

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 704

UIC PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
704.101	Content
704.102	Scope of the Permit or Rule Requirement
704.103	Identification of Aquifers
704.104	Exempted Aquifers
704.105	Specific Inclusions and Exclusions
704.106	Classification of Injection Wells
704.107	Definitions

SUBPART B: PROHIBITIONS

Section	
704.121	Prohibition of Unauthorized Injection
704.122	Prohibition of Movement of Fluid into USDW
704.123	Identification of USDW and Exempted Aquifers
704.124	Prohibition of Class IV Wells

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section	
704.141	Existing Class I and III Wells
704.142	Prohibitions on Injection into Wells Authorized by Rule
704.143	Expiration of Authorization
704.144	Requirements
704.145	Existing Class IV Wells
704.146	Class V Wells
704.147	Requiring a Permit
704.148	Inventory Requirements
704.149	Requiring other Information
704.150	Requirements for Class I and III Wells authorized by Rule
704.151	RCRA Interim Status for Class I Wells

SUBPART D: APPLICATION FOR PERMIT

Section	
704.161	Application for Permit; Authorization by Permit
704.162	Area Permits
704.163	Emergency Permits

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704.164 Signatories to Permit Applications

SUBPART E: PERMIT CONDITIONS

Section	
704.181	Additional Conditions
704.182	Establishing UIC Permit Conditions
704.183	Construction Requirements
704.184	Corrective Action
704.185	Operation Requirements
704.186	Hazardous Waste Requirements
704.187	Monitoring and Reporting
704.188	Plugging and Abandonment
704.189	Financial Responsibility
704.190	Mechanical Integrity
704.191	Additional Conditions
704.192	Waiver of Requirements by Agency
704.193	Corrective Action
704.194	Maintenance and Submission of Records

SUBPART F: REQUIREMENTS FOR WELLS INJECTING
 HAZARDOUS WASTE

Section	
704.201	Applicability
704.202	Authorization
704.203	Requirements

SUBPART G: FINANCIAL RESPONSIBILITY FOR CLASS I
 HAZARDOUS WASTE INJECTION WELLS

Section	
704.210	Applicability
704.211	Definitions
704.212	Cost Estimate for Plugging and Abandonment
704.213	Financial Assurance for Plugging and Abandonment
704.214	Trust Fund
704.215	Surety Bond Guaranteeing Payment
704.216	Surety Bond Guaranteeing Performance
704.217	Letter of Credit
704.218	Plugging and Abandonment Insurance
704.219	Financial Test and Corporate Guarantee
704.220	Multiple Financial Mechanisms
704.221	Financial Mechanism for Multiple Facilities
704.222	Release of the Owner or Operator
704.230	Incapacity
704.240	Wording of the Instruments

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SUBPART H: ISSUED PERMITS

Section
704.260 Transfer
704.261 Modification
704.262 Causes for Modification
704.263 Well Siting
704.264 Minor Modifications

SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

Section
704.279 General
704.280 Definition of a Class V Injection Well
704.281 Examples of Class V Injection Wells
704.282 Protection of Underground Sources of Drinking Water
704.283 Notification of a Class V Injection Well
704.284 Permit Requirements
704.285 Applicability of the Additional Requirements
704.286 Definitions
704.287 Location in a Groundwater Protection Area or Another Sensitive Area
704.288 Additional Requirements
704.289 Closure of a Class V Injection Well

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13, 22.4, and 27).

SOURCE: Adopted in R81-32, at 47 PCB 95, at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, at 7 Ill. Reg. 14402, effective March 3, 1984; amended in R83-39, at 55 PCB 319, at 7 Ill. Reg. 17338, effective December 19, 1983; amended in R85-23 at 10 Ill. Reg. 13290, effective July 29, 1986; amended in R87-29 at 12 Ill. Reg. 6687, effective March 28, 1988; amended in R88-2 at 12 Ill. Reg. 13700, effective August 16, 1988; amended in R88-17 at 13 Ill. Reg. 478, effective December 30, 1988; amended in R89-2 at 14 Ill. Reg. 3116, effective February 20, 1990; amended in R94-17 at 18 Ill. Reg. 17641, effective November 23, 1994; amended in R94-5 at 18 Ill. Reg. 18351, effective December 20, 1994; amended at R00-11/R01-1 at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 704.102 Scope of the Permit or Rule Requirement

Although five classes of wells are set forth in Section 704.106, the UIC (Underground Injection Control) permit program described in 35 Ill. Adm. Code 702, 704, 705, and 730 regulates underground injection for only four classes of wells (see definition of "well injection," 35 Ill. Adm. Code 702.110). Class II wells (Section 704.106(b)) are not subject to the requirements found in 35

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Ill. Adm. Code 702, 704, 705, and 730. The UIC permit program for Class II wells is regulated ~~will be~~ adopted by the Illinois Department of Natural Resources, Office of Mines and Minerals, Oil and Gas Division, pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 ILCS 240). ~~Section 1455-of-the SDWA-(Safe-Drinking-Water-Act)-42-USA-62-3869f-~~ All owners or operators of Class I, Class III, Class IV, or Class V injection wells must be authorized either by permit or rule. In carrying out the mandate of the SDWA, this Part provides that no injection must ~~shall~~ be authorized by permit or rule if it results in movement of fluid containing any contaminant into underground sources of drinking water (USDWs) (Section 704.122) if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR 142 or may adversely affect the health of persons. (Section 704.122). Existing Class IV wells that inject hazardous waste directly into an underground source of drinking water are to be eliminated over a period of six months and new such Class IV wells are to be prohibited (Section 704.124). Class V wells will be inventoried and assessed, and regulatory action will be established at a later date. In the meantime, if remedial action appears necessary, an individual permit may be required (704-Subpart C) or the Agency must require remedial action or closure by order (Section 704.122(c)).

BOARD NOTE: Derived from 40 CFR 144.11(g) Preamble (1999)(1999).

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 704.105 Specific Inclusions and Exclusions

- a) The following wells are included among those types of injection activities that are covered by the UIC regulations. (This list is not intended to be exclusive but is for clarification only.)
- 1) Any injection well located on a drilling platform inside territorial waters of the State of Illinois;
 - 2) Any dug hole or well that is deeper than its largest surface dimension, where the principal function of the hole is emplacement of fluids;
 - 3) Any well ~~septic-tank-or-cesspool~~ used by generators of hazardous waste, or by owners or operators of hazardous waste management facilities, to dispose of fluids containing hazardous waste. This includes the disposal of hazardous waste into what would otherwise be septic systems and cesspools, regardless of their capacity;
 - 4) Any septic tank, cesspool, or other well used by a multiple dwelling, community, or regional system for the injection of wastes.
- b) The following are not covered by these regulations:
- 1) Injection wells located on a drilling platform or other site that is beyond the territorial waters of the State of Illinois;
 - 2) Individual or single family residential waste disposal systems such as domestic cesspools or septic systems;

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- 3) Nonresidential cesspools, septic systems or similar waste disposal systems if such systems are used solely for the disposal of sanitary waste, and have the capacity to serve fewer than 20 persons a day;
 - 4) Injection wells used for injection of hydrocarbons that are of pipeline quality and are gases at standard temperature and pressure for the purpose of storage;
 - 5) Any dug hole, drilled hole, or bored shaft that is not used for the subsurface emplacement of fluids underground;
 - 6) Class II wells.
- c) The prohibition applicable to Class IV wells under Section 704.124 does not apply to injections of hazardous wastes into aquifers or portions thereof that have been exempted pursuant to 35 Ill. Adm. Code 730.104.

BOARD NOTE: Derived from 40 CFR 144.1(g)(1) through (g)(3) (1999), as amended at 64 Fed. Reg. 68565 (December 7, 1999) (1999).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 704.106 Classification of Injection Wells

Injection wells are classified as follows:

- a) Class I
 - 1) Wells used by generators of hazardous wastes or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing, within 402 meters (one-quarter mile) of the well bore, an and underground source of drinking water.
 - 2) Other industrial and municipal disposal wells which inject fluids beneath the lowermost formation containing, within 402 meters (one quarter mile) of the well bore, an underground source of drinking water.
 - 3) Radioactive waste disposal wells that inject fluids below the lowermost formation containing an underground source of drinking water within one quarter mile of the well bore.
- b) Class II. Wells which inject fluids:
 - 1) Which are brought to the surface in connection with natural gas storage operations, or conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
 - 2) For enhanced recovery of oil or natural gas; and
 - 3) For storage of hydrocarbons which are liquid at standard temperature and pressure.
- c) Class III. Wells which inject fluids for extraction of minerals, including:
 - 1) Mining of sulfur by the Frasch process;

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- 2) In situ production of uranium or other metals; this category includes only in situ production from ore bodies which have not been conventionally mined. Solution mining of conventional mines such as stopes leaching is included in Class V;
- 3) Solution mining of salts or potash.
- d) Class IV.
 - 1) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into a formation which within 402 meters (one-quarter one-quarter mile) of the well contains an underground source of drinking water.
 - 2) Wells used by generators of hazardous waste or of radioactive waste, by owners and or operators of hazardous waste management facilities, or by owners and or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which within 402 meters (one-quarter mile) of the well contains an underground source of drinking water.
 - 3) Wells used by generators of hazardous waste or owners and or operators of hazardous waste management facilities to dispose of hazardous waste, which cannot be classified under subsections (a)(1) or (d)(1) and (d)(2) (e.g., wells used to dispose of hazardous waste into or above a formation which contains an aquifer which has been exempted pursuant to 35 Ill. Adm. Code 730.104).

e) Class V. Injection wells not included in Classes I, II, III, or IV.

BOARD NOTE: ~~Revised~~ See 40 CFR 144.6 (1999) (1999).

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 704.107 Definitions

The definitions of 35 Ill. Adm. Code 702 apply to Part 704. Specific types of Class V injection wells are described in Section 704.281.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUBPART C: AUTHORIZATION OF UNDERGROUND INJECTION BY RULE

Section 704.145 Existing Class IV Wells

- a) Injection into Class IV wells as defined in Section 704.106(d)(1) is not authorized. The owner or operator of any such well must comply with Sections 704.124 and 704.203.
- b) Closure.

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- 1) Prior to abandoning any Class IV well, the owner or operator must ~~shall~~ plug or otherwise close the well in a manner acceptable to the Agency.
- 2) By September 27, 1986, the owner and operator of any Class IV well was to have submitted to the Agency a plan for plugging or otherwise closing and abandoning the well.
- 3) The owner or operator of a Class IV well must ~~shall~~ notify the Agency of intent to abandon the well at least 30 days prior to abandonment.
- c) Notwithstanding the requirements of subsections (a) and (b) of this Section, injection wells used to inject contaminated ground water that has been treated and which is being injected into the same formation from which it was drawn are authorized by rule for the life of the well if such subsurface emplacement of fluids is approved by USEPA, pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601-9675, or pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992k, or the Agency, pursuant to Section 39 of the Act.

BOARD NOTE: Derived from 40 CFR 144.23 (1999), as amended at 64 Fed. Reg. 68566 (December 7, 1999) (49993).

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 704.146 Class V Wells

- a) Injection into Class V wells is authorized by rule, subject to the conditions set forth in Section 704.284--~~entire~~~~requirements~~~~under~~~~future~~~~registrations~~~~become~~~~applicable~~.
- b) Duration of well authorization by rule. Well authorization under this Section expires upon the effective date of a permit issued pursuant to any of Sections 704.147, 704.161, 704.162, or 704.163.
- c) Prohibition of injection. An owner or operator of a well that is authorized by rule pursuant to this Section is prohibited from injecting into the well:
 - 1) Upon the effective date of an applicable permit denial;
 - 2) Upon a failure to submit a permit application in a timely manner pursuant to Section 704.147 or 704.161;
 - 3) Upon a failure to submit inventory information in a timely manner pursuant to Section 704.148; or
 - 4) Upon a failure to comply with a request for information in a timely manner pursuant to Section 704.149.

BOARD NOTE: Derived from 40 CFR 144.24 (1999) (49993), as amended at 6458 Fed. Reg. 68566 (December 7, 1999) (49993).

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

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Section 704.148 Inventory Requirements

The owner or operator of an injection well that is authorized by rule under this Subpart must ~~shall~~ submit inventory information to the Agency. Such an owner or operator is prohibited from injecting into the well upon failure to submit inventory information for the well to the Agency within the time specified in subsection (d) or (e) of this Section ~~below~~.

- a) Contents. As part of the inventory, the owner or operator must ~~shall~~ submit at least the following information:

- 1) Facility name and location;
- 2) Name and address of legal contact;
- 3) Ownership of facility;
- 4) Nature and type of injection wells; and
- 5) Operating status of injection wells.

BOARD NOTE: This information is requested on national form "Inventory of Injection Wells," OMS No. 138-R0170.

- b) Additional contents. The owner or operator of a well listed in subsection (b)(1) of this Section must ~~below~~~~shall~~ provide the information listed in subsection (b)(2) of this Section ~~below~~.

- 1) This Section applies to the following wells:

- A) Corresponding 40 CFR 144.26(b)(1)(i) pertains to Class II wells, which are regulated by the Department of Natural Resources pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 ILCS 240). This statement maintains structural consistency with the corresponding federal provisions;

B*) Class IV wells;

C*) The following Class V wells:

- i) Sand or other backfill wells, 35 Ill. Adm. Code 730.105(e)(8);
- ii) Radioactive waste disposal wells that are not Class I wells, 35 Ill. Adm. Code 730.105(e)(11);
- iii) Geothermal energy recovery wells, 35 Ill. Adm. Code 730.105(e)(12);
- iv) Brine return flow wells, 35 Ill. Adm. Code 730.105(e)(14);
- v) Wells used in experimental technologies, 35 Ill. Adm. Code 730.105(e)(15);
- vi) Municipal and industrial disposal wells other than Class I; and
- vii) Any other Class V wells at the discretion of the Agency.

- 2) The owner or operator of a well listed in subsection (b)(1) of this Section must ~~above~~~~shall~~ provide a listing of all wells owned or operated setting forth the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable).

- A) Corresponding 40 CFR 144.26(b)(2)(i) pertains to Class II wells, which are regulated by the Department of Natural

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Resources pursuant to the Illinois Oil and Gas Act [225 ILCS 725] (see 62 ILCS 240). This statement maintains structural consistency with corresponding Federal provisions:

- BA) Location of each well or project given by Township, Range, Section, and Quarter-Section;
 - CB) Date of completion of each well;
 - DE) Identification and depth of the formation(s) into which each well is injecting;
 - EP) Total depth of each well;
 - EF) Casing and cementing record, tubing size, and depth of packer;
 - GF) Nature of the injected fluids;
 - HG) Average and maximum injection pressure at the wellhead;
 - IH) Average and maximum injection rate; and
 - JF) Date of the last mechanical integrity tests, if any.
- c) This subsection corresponds with 40 CFR 144.26(c), a provision relating to USEPA W-9S--BPA notification to facilities upon authorization of the state's program. This statement maintains structural consistency with USEPA W-9S--BPA rules.
- d) Deadlines. Except as provided in subsection (e) of this Section below:

- 1) The owner or operator of an injection well must shall submit inventory information no later than March 3, 1985. The Agency need not require inventory information from any facility with RCRA interim status under 35 Ill. Adm. Code 703.
- 2) The information need not be submitted if a complete application is submitted within one year of the effective date of the USEPA W-9S--BPA UIC program. The owner or operator of a Class IV well must shall submit inventory information no later than 60 days after the effective date of the USEPA W-9S--BPA UIC program.
- e) Deadlines for Class V wells.
 - 1) The owner or operator of a Class V well in which injection took place within one year after the date of approval by USEPA W-9S--BPA of the Illinois UIC program, and who failed to submit inventory information for the well within the time specified in subsection (d) of this Section above may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume or that it may resume sooner.
 - 2) The owner or operator of a Class V well in which injection started later than March 3, 1985, must shall submit inventory information prior to May 2, 1995.
 - 3) The owner or operator of a Class V well in which injection started after May 2, 1994 must shall submit inventory information prior to starting injection.
 - 4) The owner or operator of a Class V injection well prohibited from injecting for failure to submit inventory information for the well within the time specified in subsection (e)(2) or (e)(3) of

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this Section above may resume injection 90 days after submittal of the inventory information to the Agency, unless the owner or operator receives notice from the Agency that injection may not resume or that it may resume sooner.

BOARD NOTE: Wells that were in existence as of March 3, 1984, were required to submit inventory information by March 3, 1985. Since all wells other than Class V wells are now not either prohibited or required to file permit applications, the inventory requirement will apply only to new Class V wells.

BOARD NOTE: Derived from 40 CFR 144.26 [1999] 419993, as amended at 6150 Fed. Reg. 68566 63996 (Dec. 7, 1999 97-1993).

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

SUBPART I: REQUIREMENTS FOR CLASS V INJECTION WELLS

Section 704.279 General

This Subpart sets forth the requirements applicable to the owner or operator of a Class V injection well. Additional requirements listed elsewhere in this Part may also apply, where they may apply, those other requirements are referenced rather than repeated in this Subpart. The requirements described in this Subpart and elsewhere in this Part are intended to protect underground sources of drinking water and are part of the underground injection control (UIC) Program established under Section 11(c) of the Act.

BOARD NOTE: Derived from 40 CFR 144.279, as added at 64 Fed. Reg. 68566 (December 7, 1999). USEPA wrote the federal counterpart to this Subpart, 40 CFR 144, Subpart G, in a question-and-answer format to make it easier to understand the regulatory requirements. The Board has abandoned that format in favor of a more traditional approach of using clear statements of the requirements and their applicability.

(Source: Added at 24 Ill. Reg. _____, effective _____.)

Section 704.280 Definition of a Class V Injection Well

Section 704.106 defines the five classes of injection wells, including a Class V injection well, as regulated under this Subpart. Typically, Class V wells are shallow wells used to place a variety of fluids directly below the land surface. However, if the fluids placed in the ground qualify as a hazardous waste under the Resource Conservation and Recovery Act (RCRA), the well is either a Class I or Class IV well, not a Class V well. Examples of Class V wells are described in Section 704.281.

BOARD NOTE: Derived from 40 CFR 144.280, as added at 64 Fed. Reg. 68566 (December 7, 1999).

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.281. Examples of Class V Injection Wells

The following are examples of Class V injection wells to which this Subpart applies:

- a) Air conditioning return flow wells used to return to the supply aquifer the water used for heating or cooling in a heat pump;
- b) Large capacity cesspools, including multiple-dwelling, community or regional cesspools, or other devices that receive sanitary wastes containing human excreta, that have an open bottom and sometimes perforated sides. The UIC requirements do not apply to single family residential cesspools, nor do they apply to non-residential cesspools that receive solely sanitary waste and which have the capacity to serve fewer than 20 persons a day;
- c) Cooling water return flow wells that are used to inject water previously used for cooling;
- d) Drainage wells that are used to drain surface fluids, primarily storm runoff, into a subsurface formation;
- e) Dry wells that are used for the injection of wastes into a subsurface formation;
- f) Recharge wells that are used to replenish the water in an aquifer;
- g) Salt water intrusion barrier wells that are used to inject water into a fresh aquifer to prevent the intrusion of salt water into the fresh water;
- h) Sand backfill and other backfill wells that are used to inject a mixture of water and sand, mill tailings or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;
- i) Septic system wells that are used to inject the waste or effluent from a multiple dwelling, business establishment, community or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, nor to non-residential septic system wells that are used solely for the disposal of sanitary waste and which have the capacity to serve fewer than 20 persons a day;
- j) Subsidence control wells (not used for the purpose of oil or natural gas production) that are used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;
- k) Injection wells associated with the recovery of geothermal energy for heating, aquaculture, and production of electric power;
- l) Wells that are used for solution mining of conventional mines such as slopes leaching;
- m) Wells that are used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts;
- n) Injection wells that are used in experimental technologies;

- o) Injection wells that are used for in situ recovery of lignite, coal, tar sands, and oil shale; and
- p) Motor vehicle waste disposal wells that receive or which have received fluids from vehicle repair or maintenance activities, such as an auto body repair shop, an automotive repair shop, a new or used car dealership, a specialty repair shop (e.g., transmission and muffler repair shop), or any facility that does any vehicular repair work. Fluids disposed in these wells may contain organic and inorganic chemicals in concentrations that exceed the maximum contaminant levels (MCLs) established by the primary drinking water regulations (35 Ill. Adm. Code 611). These fluids also may include waste petroleum products and may contain contaminants, such as heavy metals and volatile organic compounds, that pose risks to human health.

BOARD NOTE: Derived from 40 CFR 144.261, as added at 64 Fed. Reg. 68566 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.282. Protection of Underground Sources of Drinking Water

This Subpart I requires that an owner or operator of a Class V injection well must not allow movement of fluid into USDWs that might cause endangerment, that the owner or operator must comply with the UIC requirements in this Part and 35 Ill. Adm. Code 702 and 730, that the owner or operator must comply with any other measures required by the State or USEPA to protect USDWs, and that the owner or operator must properly close its well when the owner or operator is through using it. The owner or operator also must submit basic information about its well, as described in Section 704.283.

- a) Prohibition of fluid movement.
 - 1) As described in Section 704.112(a), an owner's or operator's injection activity cannot allow the movement of fluid containing any contaminant into USDWs, if the presence of that contaminant may cause a violation of the primary drinking water standards under 35 Ill. Adm. Code 611, other health based standards, or may otherwise adversely affect the health of persons. This prohibition applies to the owner's or operator's well construction, operation, maintenance, conversion, plugging, closure, or any other injection activity.
 - 2) If the Agency or USEPA learns that an owner's or operator's injection activity may endanger USDWs, the Agency or USEPA may require the owner or operator to close its well, require the owner or operator to get a permit, or require other actions listed in Section 704.112(c), (d), or (e).
- b) Closure requirements. An owner or operator must close the well in a manner that complies with the above prohibition of fluid movement. Also, the owner or operator must dispose of otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent

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to your well in accordance with all applicable federal, State, and local regulations and requirements.

- c) Other requirements in this Part and 35 Ill. Adm. Code 702 and 730. Beyond this subpart, the owner and operator are subject to other UIC Program requirements in this Part and 35 Ill. Adm. Code 702 and 730. While most of the relevant requirements are repeated or referenced in this Subpart for convenience, the owner or operator needs to read all of this Part and 35 Ill. Adm. Code 702 and 730 to understand the entire UIC Program.

- d) Other State or USEPA requirements. This Part and 35 Ill. Adm. Code 702 and 730 define minimum federally-derived UIC requirements. The Agency and USEPA Region V have the flexibility to establish additional or more stringent requirements based on the authorities in this Part and 35 Ill. Adm. Code 702 and 730 and 40 CFR 144 through 147, if such additional requirements are determined to be necessary to protect USWs. The owner and operator must comply with any such additional requirements. The owner or operator should contact the Agency or USEPA Region V to learn more.

BOARD NOTE: Derived from 40 CFR 144.282, as added at 64 Fed. Reg. 68567 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.283 Notification of a Class V Injection Well

The owner or operator of a Class V injection well needs to provide basic "inventory information" about its well to the Agency, if the owner or operator has not done so already. The owner or operator also needs to provide any additional information that the Agency requests in accordance with the provisions of the UIC regulations.

- a) Inventory requirements. Unless the owner or operator knows it has already satisfied the inventory requirements in Section 704.128 that were in effect prior to the issuance of this Subpart G, the owner or operator must give the Agency certain information about itself and its injection operation.

BOARD NOTE: This information is requested on national form "Inventory of Injection Wells," OWR No. 2040-0042.

- 1) The owner or operator of a new or existing Class V injection well must contact the Agency to determine what information it must submit and by when it must submit that information.

- 2) The following is the information that the owner or operator must submit:

- A) No matter what type of Class V well is owned or operated, the owner or operator must submit at least the following information for each Class V well: facility name and location; name and address of a legal contact person for the facility; the ownership of the facility; the nature and type

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of the injection well or wells; and the operating status of injection well or wells.

- B) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.83(a)(2)(ii) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

- C) The owner or operator must provide a list of all wells it owns or operates, along with the following information for each well. (A single description of wells at a single facility with substantially the same characteristics is acceptable).

- i) The location of each well or project given by Township, Range, Section, and Quarter-Section, or by latitude and longitude to the nearest second, according to the conventional practice in this State;
- ii) The date of completion of each well;
- iii) The identification and depth of the underground formation(s) into which each well is injecting;
- iv) The total depth of each well;
- v) A construction narrative and schematic (both plan view and cross-sectional drawings);
- vi) The nature of the injected fluids;
- vii) The average and maximum injection pressure at the wellhead;
- viii) The average and maximum injection rate; and
- ix) The date of the last inspection.

- 3) The owner and operator is responsible for knowing about, understanding, and complying with these inventory requirements.

- b) Illinois is designated a "Primacy State" by USEPA. Corresponding 40 CFR 144.83(b) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This statement maintains structural consistency with the federal regulations.

BOARD NOTE: Derived from 40 CFR 144.283, as added at 64 Fed. Reg. 68567 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.284 Permit Requirements

No permit is required for a Class V injection well, unless the owner or operator falls within an exception described in subsection (b) of this Section.

- a) General authorization by rule. With certain exceptions listed in subsection (b) of this Section, an owner or operator's Class V injection activity is "authorized by rule," meaning that the owner and operator has to comply with all the requirements of this Subpart and the rest of this Part and 35 Ill. Adm. Code 702 and 730, but the owner

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or operator does not need to get an individual permit. Well authorization expires once the owner or operator has properly closed its well, as described in Section 704.282(b).

- b) Circumstances in which permits or other actions are required. If an owner or operator fits into one of the categories listed below, its Class V well is no longer authorized by rule. This means that the owner or operator has to either get a permit or close its injection well. The owner or operator can find out whether its well falls into one of these categories by contacting the Agency or USEPA Region V if this is the case. Subparts D and H of this Part tells an owner or operator how to apply for a permit, and it describes other aspects of the permitting process. Subpart C of 35 Ill. Adm. Code 702 and Subpart E of this Part outline some of the requirements that apply to the owner or operator if it gets a permit. An owner or operator must either obtain a permit or close its injection well if any of the following is true:

- 1) The owner or operator fails to comply with the prohibition against fluid movement standard in Section 704.122(a) and described in Section 704.282(a) (in which case, the owner or operator must get a permit, close its well, or comply with other conditions determined by the Agency or USEPA Region V);

- 2) The Class V injection well is a large-capacity cesspool (in which case, the owner or operator must close its well as specified in the additional requirements set forth in Section 704.288) or the Class V injection well is a motor vehicle waste disposal well in a ground water protection area or a sensitive ground water area (in which case, the owner or operator must either close its well or get a permit as specified in the additional requirements set forth in Section 704.288). New motor vehicle waste disposal wells and new cesspools are prohibited;

- 3) The owner or operator is specifically required by the Agency or USEPA Region V to get a permit (in which case, the authorization by rule expires on the effective date of the permit issued, or the owner or operator is prohibited from injecting into its well upon the occurrence of either or the following:

- A) The failure of the owner and operator to submit a permit application in a timely manner, as specified in a notice from the Agency; or
 - B) The effective date of a permit denial;
- 4) The owner or operator has failed to submit inventory information to the Agency, as described in Section 704.283(a) (in which case, the owner and operator is prohibited from injecting into the well until it complies with the inventory requirements); or
- 5) Illinois is designated a "Primacy State" by USEPA. Corresponding

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40 CFR 144.84(b)(5) relates exclusively to "Direct Implementation" states, so the Board has omitted it. This Statement maintains structural consistency with the Federal regulations.

BOARD NOTE: Derived from 40 CFR 144.284, as added at 64 Fed. Reg. 68568 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.285 Applicability of the Additional Requirements

- a) Large-capacity cesspools. The additional requirements set forth in Section 704.288 apply to all new and existing large-capacity cesspools. If the owner or operator is using a septic system for these type of wastes, the owner or operator is not subject to the additional requirements in Section 704.288.

- b) Motor vehicle waste disposal wells existing on April 5, 2000. If the owner or operator has a Class V motor vehicle waste disposal well, the additional requirements in Section 704.288 apply to that owner or operator if the well is located in a ground water protection area or other sensitive ground water area that is identified by the Agency, the Board, or USEPA Region V.

BOARD NOTE: An existing motor vehicle waste disposal well is one for which construction had commenced prior to April 5, 2000. See 40 CFR 144.83(a)(1)(i) and (a)(1)(ii), as added at 40 CFR 68568 (December 7, 1999). Corresponding 40 CFR 144.85(b) provides that the additional requirements apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas. The Board has not included this state-wide applicability provision by virtue of 14.1 through 14.6 and Sections 17.1 through 17.4 of the Act (45 ILCS 5/14.1-14.6 and 17.1-17.4), the Illinois Groundwater Protection Act (415 ILCS 55/0.1 and 35 Ill. Adm. Code 615 through 620).

- c) New Motor Vehicle Waste Disposal Wells. The additional requirements in Section 704.288 apply to all new motor vehicle waste disposal wells.

BOARD NOTE: A new motor vehicle waste disposal well is one for which construction had not commenced prior to April 5, 2000. See 40 CFR 144.85(c), as added at 40 CFR 68568 (December 7, 1999).

BOARD NOTE: Derived from 40 CFR 144.285, as added at 64 Fed. Reg. 68569 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.286 Definitions

"State drinking water source assessment and protection program" is a

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new approach to protecting drinking water sources, specified in section 1453 of the 1996 Amendments to the Safe Drinking Water Act (42 U.S.C. 300f-13).

BOARD NOTE: Under the federal requirements, states must prepare and submit for USEPA approval a program that sets out how each state will conduct local assessments, including the following: delineating the boundaries of areas providing source waters for public water systems; identifying significant potential sources of contaminants in such areas; and determining the susceptibility of public water systems in the delineated areas to the inventoried sources of contamination. The Illinois Groundwater Protection Act (415 ILCS 55) and the regulations at 35 Ill. Adm. Code 620 adopted pursuant to that law and Sections 14.1 through 14.6 and 17.1 through 17.4 of the Environmental Protection Act (415 ILCS 14.1-14.6 and 17.1-17.4) and the regulations at 35 Ill. Adm. Code 615 through 617 adopted under those provisions are major segments of the required Illinois program.

"Complete local source water assessment for groundwater protection areas." When USEPA has approved a state's drinking water source assessment and protection program, the state will begin to conduct local assessments for each public water system in that state. For the purposes of this Subpart, local assessments for community water systems and non-transient non-community systems are complete when the four following requirements are met: First, a State must delineate the boundaries of the assessment area for community and non-transient non-community water systems, as such are defined in 35 Ill. Adm. Code 611.101. Second, the State must identify significant potential sources of contamination in these delineated areas. Third, the State must determine the susceptibility of community and non-transient non-community water systems in the delineated area to such contaminants. Lastly, each State will develop its own plan for making the completed assessments available to the public.

"Groundwater protection area" is a geographic area near or surrounding a community or non-transient non-community water system, as defined in 35 Ill. Adm. Code 611.101, that uses groundwater as a source of drinking water. For the purposes of this Subpart I, the Board considers a "setback zone," as defined in Section 3.61 of the Act (415 ILCS 5/3.61) and regulated pursuant to Sections 14.1 through 14.6 of the Act (415 ILCS 5/14.1-14.6), to be a groundwater protection area," as intended by corresponding 40 CFR 144.86(c). (See 35 Ill. Adm. Code 615 and 616.) These areas receive priority for the protection of drinking water supplies and Federal law requires the State to delineate and assess these areas under section 1453 of the federal Safe Drinking Water Act, 42 U.S.C. 300f-13. The additional requirements in Section 704.288 apply to an owner or operator if its Class V motor vehicle waste disposal well is in a groundwater protection area for either a community water system or a non-transient

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non-community water system.

BOARD NOTE: USEPA stated in corresponding 40 CFR 144.86(c) that in many States these areas will be the same as wellhead protection areas delineated as described in section 1428 of the federal SDWA, 42 U.S.C. 300h-7.

"Community water system," as defined in 35 Ill. Adm. Code 611.101, is a public water system that serves at least 15 service connections used by year-round residents or which regularly serves at least 25 year-round residents.

"Non-transient non-community water system," as defined in 35 Ill. Adm. Code 611.101, is a water system that is not a community water system and which regularly serves at least 25 of the same people over six months a year. These may include systems that provide water to schools, day care centers, government or military installations, manufacturers, hospitals or nursing homes, office buildings, and other facilities.

"Delineation." Once the State's drinking water source assessment and protection program is approved by USEPA, the State will begin delineating its local assessment areas. "Delineation" is the first step in the assessment process in which the boundaries of groundwater protection areas are identified.

"Other sensitive groundwater areas." The State may also identify other areas in the State in addition to groundwater protection areas that are critical to protecting underground sources of drinking water from contamination. For the purposes of this Subpart I, the Board considers a "regulated recharge area," as defined in Section 3.67 of the Act (415 ILCS 5/3.67) and regulated pursuant to Sections 17.1 through 17.4 of the Act (415 ILCS 5/17.1-17.4), to be an "other sensitive groundwater area," as intended by corresponding 40 CFR 144.86(g). (See 35 Ill. Adm. Code 615 through 617.) These other sensitive groundwater areas may include areas such as areas overlying sole-source aquifers; highly productive aquifers supplying private wells; continuous and highly productive aquifers at points distant from public water supply wells; areas where water supply aquifers are recharged; karst aquifers that discharge to surface reservoirs serving as public water supplies; vulnerable or sensitive hydrogeologic settings, such as glacial outwash deposits, eolian sands, and fractured volcanic rock; and areas of special concern selected based on a combination of factors, such as hydrogeologic sensitivity, depth to groundwater, significance as a drinking water source, and prevailing land-use practices.

BOARD NOTE: Derived from 40 CFR 144.286, as added at 64 Fed. Reg. 68562 (December 7, 1999).

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.287 Location in a Groundwater Protection Area or Another Sensitive Area

a) A person is subject to the requirements of Section 704.288 if the person owns or operates an existing motor vehicle well and that person is located in a ground water protection area or another sensitive ground water area.

BOARD NOTE: Corresponding 40 CFR 144.87(a) provides that the "new requirements" apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas. The Board has interpreted "new requirements" as synonymous with "additional requirements" elsewhere in this Subpart G. Further, the Board has not included this statewide applicability provision because Sections 14.1 through 14.6 and 17.1 through 17.4 of the Act [415 ILCS 5/14.1-14.6 and 17.1-17.4] and 35 Ill. Adm. Code 615 through 617 designate protected groundwater resources and allow the designation of other sensitive areas for protection. Further, the Illinois Groundwater Protection Act [415 ILCS 55] and the regulations adopted as 35 Ill. Adm. Code 620 under that statute, protect the quality of all groundwater resources in Illinois.

b) Ground water protection areas. Many segments of corresponding 40 CFR 144.87(b) set forth requirements applicable to the State only. Other requirements apply to the regulated community contingent on the regulatory status of the Illinois groundwater protection program. The Board codifies the requirements applicable to the State in this subsection (b) for the purpose of informing the regulated public and clarifying the requirements on the regulated community.

1) For the purposes of this Subpart, USEPA requires States to complete all local source water assessments for ground water protection areas by January 1, 2004. Once a local assessment for a ground water protection area is complete every existing motor vehicle waste disposal well owner in that ground water protection area has one year to close the well or receive a permit. If the State fails to complete all local assessments for ground water protection areas by January 1, 2004, the following may occur:

A) The new requirements in this Subpart I will apply to all existing motor vehicle waste disposal wells in the State and the owner and operator of a motor vehicle waste disposal well located outside of the areas of the completed area assessments for ground water protection areas must close their well or receive a permit by January 1, 2005.

B) USEPA may grant a State an extension for up to one year from the January 1, 2004 deadline if the State is making reasonable progress toward completing the source water assessments for ground water protection areas. States must

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apply for the extension by June 1, 2003. If a State fails to complete the assessments for the remaining ground water protection areas by the extended date, the rule requirements will apply to all motor vehicle waste disposal wells in the State, and owners and operators of motor vehicle waste disposal wells located outside of ground water protection areas with completed assessments must close their well or receive a permit by January 1, 2006.

2) The Agency must extend the compliance deadline for specific motor vehicle waste disposal wells for up to one year if it determines that the most efficient compliance option for the well is connection to a sanitary sewer or installation of new treatment technology.

BOARD NOTE: Any Agency determination of the most efficient compliance option is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

c) Other sensitive ground water areas. Existing motor vehicle waste disposal well owners and operators within other sensitive ground water areas have until January 1, 2007 to receive a permit or close the well. If USEPA has granted the State an extension of the time to delineate sensitive groundwater areas, the owner or operator of an existing motor vehicle waste disposal well within a sensitive ground water area has until January 1, 2008 to close the well or receive a permit, unless the owner or operator is subject to a different compliance date pursuant to subsection (b) of this Section. If the State has been granted an extension and fails to delineate sensitive areas by the extended date, an owner or operator has until January 1, 2008 to close the well or receive a permit, unless it is subject to a different compliance date pursuant to subsection (b) of this section. BOARD NOTE: Corresponding 40 CFR 144.87(c) provides that the State has until January 1, 2004 to identify sensitive groundwater areas. It also provides that USEPA may extend that deadline for up to an additional year if the State is making reasonable progress towards identifying such areas and the State has applied for the extension by June 1, 2003. The Board has not included these provisions relating to deadlines for State action because they impose requirements on the State, rather than on regulated entities. Further, the corresponding Federal rule provides that the "new requirements" apply statewide if the State or the USEPA Region fails to identify sensitive groundwater areas and that "the rule requirements" apply in the event of an extension granted by USEPA and the State fails to delineate sensitive areas. The Board has interpreted "new requirements" and "rule requirements" as synonymous with "additional requirements" as used elsewhere in this Subpart I. Finally, the Board has not included this statewide applicability provision because Sections 17.1 through 17.4 of the Act [415 ILCS 5/17.1-17.4], the Illinois Groundwater Protection Act [415 ILCS 55/8], and 35 Ill. Adm. Code 615 through 620 protect groundwater resources and allow the designation of sensitive areas.

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d) Finding out if a well is in a groundwater protection area or sensitive groundwater area. The Agency must make that listing available for public inspection and copying upon request. Any interested person may contact the Agency Bureau of Water, Division of Public Water, Supplies at 1021 North Grand Ave., East, P.O. Box 19276, Springfield, Illinois 62794-9276 (217-785-9553) to obtain information on the listing or to determine if any Class V injection well is situated in a groundwater protection area or another sensitive groundwater area.

e) Changes in the status of the State drinking water source assessment and protection program. If the State assesses a ground water protection area for ground water supplying a new community water system or a new non-transient non-community water system after January 1, 2004, or if the State re-delineates the boundaries of a previously delineated ground water protection area to include an additional area, the additional ground water protection area would apply to any motor vehicle waste disposal well is in such an area. The additional regulations apply to the affected Class V injection well one year after the State completes the local assessment for the ground water protection area for the new drinking water system or the new re-delineated area. The Agency must extend this deadline for up to one year if it determines that the most efficient compliance option for the well is connection to a sanitary sewer or installation of new treatment technology.

BOARD NOTE: Any Agency determination of the most efficient compliance option is subject to Board review pursuant to Section 40 of the Act (415 ILCS 5/40).

f) If the State elects not to delineate the additional sensitive ground water areas, the additional regulations of Section 704.288 apply to all Class V injection wells in the State, regardless of the location, on January 1, 2007, or January 2008 if an extension has been granted as provided in subsection (c) of this Section, except for wells in ground water protection areas that are subject to different compliance deadlines explained in subsection (b) of this Section.

g) Application of requirements outside of groundwater protection areas and sensitive ground water areas. The Agency must apply the additional requirements in Section 704.288 to an owner or operator, even if the owner's or operator's well is not located in the areas listed in subsection (a) of this Section, if the Agency determines that the application of those additional requirements is necessary to protect human health and the environment.

BOARD NOTE: Any Agency determination to apply the additional requirements of Section 704.288 is subject to Board review pursuant to Section 40 of the Act (415 ILCS 5/40). The Board has omitted certain segments of corresponding 40 CFR 144.87 that encouraged State actions, since those segments did not impose requirements on the regulated community.

BOARD NOTE: Derived from 40 CFR 144.287, as added at 64 Fed. Reg. 68569 (December 7, 1999).

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(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 704.288 Additional Requirements

The additional requirements are as follows:

a) Additional Requirements for Large-Capacity Cesspools Statewide. See Section 704.285 to determine the applicability of these additional requirements:

1) If the cesspool is existing (operational or under construction by April 5, 2000):

A) The owner or operator must close the well by April 5, 2005. B) The owner or operator must notify the Agency of its intent to close the well at least 30 days prior to closure.

BOARD NOTE: This information is requested on the federal form entitled "Preclosure Notification for Closure of Injection Wells," available from the Agency on request.

2) If the cesspool is new or converted (construction not started before April 5, 2000) it is prohibited.

BOARD NOTE: Corresponding 40 CFR 144.88(b)(2) sets forth a federal effective date of April 5, 2000 for the prohibition.

b) Additional Requirements for Motor Vehicle Waste Disposal Wells. See Section 704.285 to determine the applicability of these additional requirements.

1) If the motor vehicle waste disposal well is existing (operational or under construction by April 5, 2000) and any of the following is also true:

A) The well is in a ground water protection area, the owner or operator must close the well or obtain a permit within one year of the completion of the local source water assessment; the Agency must extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology; or

B) The well is in an other sensitive groundwater area, the owner or operator must close the well or obtain a permit by January 1, 2007; the Agency may extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology; or

C) The owner or operator plans to seek a waiver from the ban and apply for a permit, by the date the owner or operator submits its permit application, the owner or operator must meet the maximum contaminant levels (MCLs) for drinking water, set forth in 35 Ill. Adm. Code 611, at the point of injection while the permit application is under review, if

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- D) the owner or operator chooses to keep operating the well; or
- The owner or operator receives a permit, the owner or operator must comply with all permit conditions by the dates specified in its permit, if the owner or operator chooses to keep operating the well, including requirements to meet MCIS and other health based standards at the point of injection, follow best management practices, and monitor the injectate and sludge quality; or
- E) The State has not completed all their local assessments by January 1, 2004 (or by the extended date if the State has obtained an extension, as described in Section 704.287), and the well is outside an area with a completed assessment, the owner or operator must close the well or obtain a permit by January 1, 2005, unless the State obtains an extension, as described in Section 704.287(b), in which case the deadline is January 1, 2006; the Agency must extend the closure deadline, but not the permit application deadline, for up to one year if it determines that the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology; or
- F) The State has not delineated other sensitive ground water areas by January 1, 2004, and the well is outside of an area with a completed assessment, the owner or operator must close the well or obtain a permit regardless of its location by January 1, 2007, unless the State obtains an extension as described in Section 704.287(c) in which case the deadline is January 2008; or
- G) The owner or operator plans to close its well, the owner or operator must notify the Agency of its intent to close the well (this includes closing the well prior to conversion) by at least 30 days prior to closure.

BOARD NOTE: This information is requested on the federal form entitled "Preclosure Notification for Closure of Injection Wells," available from the Agency on request.

BOARD NOTE: Any Agency determination of the most efficient compliance option under subsection (b)(1)(A), (b)(1)(B), or (b)(1)(E) is subject to Board review pursuant to Section 40 of the Act [415 ILCS 5/40].

- 2) If the motor vehicle waste disposal well is new or converted [construction not started before April 5, 2000] it is prohibited.
- BOARD NOTE: Corresponding 40 CFR 144.88(b)(2) sets forth a federal effective date of April 5, 2000 for the prohibition.
- BOARD NOTE: Derived from 40 CFR 144.288, as added at 64 Fed. Reg. 68570 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

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Section 704.289 Closure of a Class V Injection Well

The following describes the requirements for closing a Class V injection well:

- a) Closure.
- 1) Prior to closing a Class V large-capacity cesspool or motor vehicle waste disposal well, the owner or operator must plug or otherwise close the well in a manner that complies with the prohibition of fluid movement standard set forth in Section 704.112 and summarized in Section 704.282(a). The owner or operator must also dispose or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well in accordance with all applicable federal, State, and local regulations and requirements, as described in Section 704.282(b).
- 2) Closure does not mean that the owner or operator needs to cease operations at its facility, only that the owner or operator needs to close its well. A number of alternatives are available for disposing of waste fluids. Examples of alternatives that may be available to motor vehicle stations include the following: recycling and reusing wastewater as much as possible; collecting and recycling petroleum-based fluids, coolants, and battery acids drained from vehicles; washing parts in a self-contained, recirculating solvent sink, with spent solvents being recovered and replaced by the supplier; using absorbents to clean up minor leaks and spills, and placing the used materials in approved waste containers and disposing of them properly; using a wet vacuum or mop to pick up accumulated rain or snow melt, and if allowed, connecting floor drains to a municipal sewer system or holding tank, and if allowed, disposing of the holding tank contents through a publicly owned treatment works (POTW). The owner or operator should check with the POTW that it might use to see if the POTW would accept the owner's or operator's wastes. Alternatives that may be available to owners and operators of a large-capacity cesspool include the following: conversion to a septic system; connection to sewer; and installation of an on-site treatment unit.
- b) Conversions. In limited cases, the Agency may authorize the conversion (reclassification) of a motor vehicle waste disposal well to another type of Class V well. Motor vehicle wells may only be converted if the following two conditions are fulfilled:
- 1) all motor vehicle fluids are segregated by physical barriers and not allowed to enter the well; and
- 2) injection of motor vehicle waste is unlikely based on a facility's compliance history and records showing proper waste disposal.
- The use of a semi-permanent plug as the means to segregate waste is not sufficient to convert a motor vehicle waste disposal well to another type of Class V well.

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1) Heading of the Part: Underground Injection Control Operating Requirements

2) Code citation: 35 Ill. Adm. Code 730

3) Section Numbers: Proposed Action:
730.103 Amend
730.105 Amend
730.110 Amend

4) Statutory authority: 415 ILCS 5/7.2, 13, and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 7, 2000, proposing amendments for public comment in consolidated UIC update docket R00-11/R01-1, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois underground injection control (UIC) rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during two update periods. It is a segment of a larger Board proceeding that involves associated amendments to 35 Ill. Adm. Code 702, 704, 730, and 738. For a description of the federal actions underlying these amendments, see the Notice of Proposed Amendments for 35 Ill. Adm. Code 702 in this issue of the *Illinois Register*.

Specifically, the amendments to Part 730 implement segments of the federal Class V injection well amendments of December 7, 1999.

Section 13(c) of the Environmental Protection Act [415 ILCS 5/13(c)] provides that Section 5-35 of the Administrative Procedure Act [5 ILCS 100/5-35] does not apply to this rulemaking. Because this rulemaking is not subject to Section 5-35 of the APA, it is not subject to First Notice or to Second Notice review by the Joint Committee on Administrative Rules (JCAR).

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the segments of the text of Part 730 under amendment in this proceeding include incorporations by reference, none of those are affected by the amendments.

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BOARD NOTE: Derived from 40 CFR 144.289, as added at 64 Fed. Reg. 68572 (December 7, 1999).

(Source: Added at 24 Ill. Reg. _____, effective _____)

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9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they own or operate an underground injection well. These mandates are, however, identical-in-substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference consolidated Docket R00-11/R01-1 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924. Request copies of the Board's opinion and order from Patricia Jones, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that own or operate an underground injection well. In particular, the amendments will affect those small businesses, small municipalities, and not-for-profit corporations that own or operate a Class V injection well, particularly a large-capacity cesspool or an automotive waste disposal well.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

13) Regulatory Agenda on which this Rulemaking was Summarized: January 2000, July 2000

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The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 730
UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

Section
730.101 Applicability, Scope and Effective Date
730.102 Laws Authorizing Regulations
730.103 Definitions
730.104 Criteria for Exempted Aquifers
730.105 Classification of Injection Wells
730.106 Area of Review
730.107 Corrective Action
730.108 Mechanical Integrity
730.109 Criteria for Establishing Permitting Priorities
730.110 Plugging and Abandoning Class I and Class III Wells

SUBPART B: CRITERIA AND STANDARDS APPLICABLE
TO CLASS I NON-HAZARDOUS WELLS

Section
730.111 Applicability
730.112 Construction Requirements
730.113 Operating, Monitoring and Reporting Requirements
730.114 Information to be Considered by the Agency

SUBPART C: CRITERIA AND STANDARDS APPLICABLE
TO CLASS II WELLS

Section
730.121 Adoption of Criteria and Standards Applicable to Class II Wells by
the Illinois Department of Mines and Minerals

SUBPART D: CRITERIA AND STANDARDS APPLICABLE
TO CLASS III WELLS

Section
730.131 Applicability
730.132 Construction Requirements
730.133 Operating, Monitoring, and Reporting Requirements
730.134 Information to be Considered by the Agency

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SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section
730.151 Applicability
730.152 Inventory and Assessment (Repealed)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WELLS

Section
730.161 Applicability and Definitions
730.162 Minimum Criteria for Siting
730.163 Area of Review
730.164 Correction Action for Wells in the Area of Review
730.165 Construction Requirements
730.166 Logging, Sampling, and Testing Prior to New Well Operation
730.167 Operating and Monitoring Requirements
730.168 Testing and Monitoring Requirements
730.169 Reporting Requirements
730.170 Information to be Evaluated by the Director
730.171 Closure
730.172 Post-Closure Care
730.173 Financial Responsibility for Post-Closure Care

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of
the Environmental Protection Act [415 ILCS 5/13, 22.4, and 27].

SOURCE: Adopted in 881-32, 47 PCR 93, at 6 Ill. Reg. 12479, effective March 3,
1984; amended in 882-19, 53 PCB 131, at 7 Ill. Reg. 14426, effective March 3,
1984; recodified at 10 Ill. Reg. 14174; amended at 889-2 at 14 Ill. Reg. 3130,
effective February 20, 1990; amended in 889-11 at 14 Ill. Reg. 11959, effective
July 9, 1990; amended in 893-6 at 17 Ill. Reg. 15646, effective September 14,
1993; amended in 894-5 at 18 Ill. Reg. 18391, effective December 20, 1994;
amended in 895-4 at 19 Ill. Reg. 10047, effective June 27, 1995; amended in
R00-11/R01-1 at 24 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 730.103 Definitions

The following definitions apply to the underground injection control program.

"Abandoned well" means a well whose use has been permanently
discontinued or which is in a state of disrepair such that it cannot
be used for its intended purpose or for observation purposes.

"Act" means the Solid Waste Disposal Act, as amended by the Resource
Conservation and Recovery Act of 1976, (P.L. 94-580, as amended by

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P.D. 95-609, 42 U.S.C. 6901-7.1

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit, including any additions, revisions or modifications to the forms. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 et seq. (contents of Part B of the RCRA application).

"Aquifer" means a geological formation, group of formations or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" means the area surrounding an "injection well" described according to the criteria set forth in Section 730.1106 or, in the case of an area permit, the project area plus a circumscribing area the width of which is either 402 meters (One-quarter $\frac{1}{4}$ of a mile) or a number calculated according to the criteria set forth in Section 730.106.

"Casing" means a pipe or tubing of appropriate material, of varying diameter and weight, lowered into a borehole during or after drilling in order to support the sides of the hole and thus prevent the walls from caving, to prevent loss of drilling mud into porous ground or to prevent water gas or other fluid from entering or leaving the hole.

"Catastrophic collapse" means the sudden and utter failure of overlying "strata" caused by removal of underlying materials.

"Cementing" means the operation whereby a cement slurry is pumped into a drilled hole or forced behind the casing.

"Cesspool" means a "drivewell" that receives untreated sanitary waste containing human excreta and which sometimes has an open bottom or perforated sides.

"Confining bed" means a body of impermeable or distinctly less permeable material stratigraphically adjacent to one or more aquifers.

"Confining zone" means a geological formation, group of formations, or part of a formation that is capable of limiting fluid movement above an injection zone.

"Contaminant" means any physical, chemical, biological or radiological

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substance or matter in water.

"Conventional mine" means an open pit or underground excavation for the production of minerals.

"Date of approval by USEPA of the Illinois UIC program" means February 1, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Administrator's designee.

"Disposal well" means a well used for the disposal of waste into a subsurface stratum.

"Drywell" means a well, other than an improved sinkhole or subsurface fluid distribution system, that is completed above the water table so that its bottom and sides are typically dry except when receiving fluids.

"Effective date of the UIC program" means February 1, 1984.

"Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5] (1981 Rev. Stat. 1987 and 1988 Supp. ch. III-1/27, par. 1001 et seq. 77-45 amended).

"EPA" means the United States Environmental Protection Agency.

"Exempted aquifer" means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water," but which has been exempted according to the procedures of 35 Ill. Adm. Code 704.123, 704.104 and 702.105.

"Existing injection well" means an "injection well" other than a "new injection well."

"Experimental technology" means a technology which has not been proven feasible under the conditions in which it is being tested.

"Facility or activity" means any "RPM facility," UIC "injection well" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the "State" RCRA or UIC program.

"Fault" means a surface or zone of rock fracture along which there has been displacement.

"Flow rate" means the volume per unit time of the flow of a gas or other fluid substance which emerges from an orifice, pump or turbine

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or which passes along a conduit or channel.

"Fluid" means material or substance which flows or moves whether in a semisolid, liquid sludge, gas or any other form or state.

"Formation" means a body of rock characterized by a degree of lithologic homogeneity which is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" means "fluid" present in a "formation" under natural conditions as opposed to introduced fluids, such as drilling mud.

"Generator" means any person, by site location, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous Waste Management facility" ("HWM facility") means all contiguous land, and structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units (for example, one or more landfills, surface impoundments or combination of them).

"HWM facility" means "Hazardous Waste Management facility."

"Illinois" means the State of Illinois.

"Improved sinkhole" means a naturally occurring karst depression or other natural crevice that is found in volcanic terrain and other geologic settings that have been modified by man for the purpose of directing and emplacing fluids into the subsurface.

"Injection well" means a "well" into which "fluids" are being injected.

"Injection zone" means a geological "formation," group of formations or part of a formation receiving fluids through a well.

"Lithology" means the description of rocks on the basis of their physical and chemical characteristics.

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"Owner or operator" means the owner or operator of any facility or activity subject to regulation under the RCRA, UIC, Environmental Protection Act.

"Packer" means a device lowered into a well which can be expanded to produce a fluid-tight seal.

"Permit" means an authorization, license or equivalent control document issued by the Agency to implement the requirements of this part and 35 Ill. Adm. Code 702 through 705. Permit does not include RCRA interim status, (35 Ill. Adm. Code 703, Subpart C), UIC authorization by rule (Subpart C of 35 Ill. Adm. Code 704), or any permit which has not yet been the subject of final Agency action, such as a "draft permit" or a "proposed permit."

"Plugging" means the act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

"Plugging record" means a systematic listing of permanent or temporary abandonment of water, oil, gas, test, exploration and waste injection wells, and may contain a well log, description of amounts and types of plugging material used, the method employed for plugging, a description of formations which are sealed and a graphic log of the well showing formation location, formation thickness and location of plugging structures.

"Point of injection," for a Class V well, means the last accessible sampling point prior to waste fluids being released into the subsurface environment through the well. For example, the point of injection of a Class V septic system might be the distribution box--the last accessible sampling point before the waste fluids drain into the underlying soils. For a dry well, it is likely to be the well bore itself.

"Pressure" means the total load or force per unit area acting on a surface.

"Project" means a group of wells in a single operation.

"Radioactive Waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means "Act".

"Sanitary waste" means liquid or solid wastes originating solely from

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humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities, provided the waste is not mixed with industrial waste.

"SDWA" means the Safe Drinking Water Act (Pub.L. 95-523, as amended by P.L. 95-190, 42 U.S.C. 300(f)).

"Septic system" means a well, as defined in this Section, that is used to emplace sanitary waste below the surface and which is typically comprised of a septic tank and subsurface fluid distribution system or disposal system.

"Site" means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Sole or principal source aquifer" means an aquifer which has been designated by the Administrator pursuant to Sections 1424(a) or (3) of the SDWA.

"State" means the State of Illinois.

"Stratum" (plural strata) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure, removal of underlying supporting material by mining or solution of solids, either artificially or from natural causes; compaction due to wetting (hydrocompaction); oxidation of organic matter in soils; or added load on the land surface.

"Subsurface fluid distribution system" means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.

"Surface casing" means the first string of well casing to be installed in the well.

"Total dissolved solids" ("TDS") means the total dissolved

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(filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"UTC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including the approved Illinois program.

"Underground injection" means a "well injection."

"Underground source of drinking water" ("USDW") means an "aquifer" or its portion:

Which supplies any public water system; or

Which contains a sufficient quantity of groundwater to supply a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

Which is not an exempted "aquifer".

"USDW" means "underground source of drinking water."

"Well" means a bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole, whose depth is greater than the largest surface dimension, an improved sinkhole, or a subsurface fluid distribution system.

"Well injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well; where the depth of the dug well is greater than the largest surface dimension.

"Well monitoring" means the measurement, by on-site instruments or laboratory methods, of the quality of water in a well.

"Well plug" means a watertight and gastight seal installed in a borehole or well to prevent movement of fluids.

"Well stimulation" means several processes used to clean the well bore, enlarge channels and increase pore space in the interval to be injected thus making it possible for wastewater to move more readily into the formation, and includes surging, jetting, blasting, acidizing and hydraulic fracturing.

BOARD NOTE: Derived from 40 CFR 146.3 (19991988), as amended at 64 Fed. Reg. 68573 (December 7, 1999).

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(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 730.105 Classification of Injection Wells

Injection wells are classified as follows:

a) Class I.

1) Wells used by generators of hazardous wastes or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter $\frac{1}{4}$ mile) of the well bore.

2) Other industrial and municipal disposal wells that inject fluids beneath the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter $\frac{1}{4}$ mile) of the well bore.

3) Radioactive waste disposal wells that inject fluids below the lowermost formation containing an underground source of drinking water within 402 meters (one-quarter mile) of the well bore.

b) Class II. Wells that inject fluids:

1) That are brought to the surface in connection with conventional oil or natural gas production and which may be commingled with wastewaters from gas plants that are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;

2) For enhanced recovery of oil or natural gas; and

3) For storage of hydrocarbons that are liquid at standard temperature and pressure.

c) Class III. Wells that inject for extraction of minerals, including:

1) Mining of sulfur by the Frasch process;

2) In situ production of uranium or other metals. This category includes only in situ production from ore bodies that have not been conventionally mined. Solution mining of conventional mines, such as stopes leaching, is included in Class V; and

3) Solution mining of salts or potash.

BOARD NOTE: Class III wells include the recovery of geothermal energy to produce electric power but do not include wells used in heating or aquaculture that fall under Class V.

d) Class IV.

1) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into a formation that contains an underground source of drinking water within 402 meters (one-quarter $\frac{1}{4}$ mile) of the well.

2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste

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disposal sites to dispose of hazardous waste or radioactive waste above a formation that contains an underground source of drinking water within 402 meters (one-quarter $\frac{1}{4}$ mile) of the well.

3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste that cannot be classified under subsection (a)(1), (d)(1), or (d)(2) of this Section **above** (e.g., wells used to dispose of hazardous wastes into or above a formation that contains an aquifer that has been exempted pursuant to Section 730.104).

e) Class V. Injection wells not included in Class I, Class II, Class III, or Class IV. Specific types of Class V injection wells include the following:

1) Air conditioning return flow wells used to return the water used in a heat pump for heating or cooling to the supply aquifer;

2) Cesspools, including multiple dwelling, community, or regional cesspools, or other devices that receive wastes that have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools or to non-residential cesspools that receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day;

3) Cooling water return flow wells used to inject water previously used for cooling;

4) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;

5) Dry wells used for the injection of wastes into a subsurface formation;

6) Recharge wells used to replenish the water in an aquifer;

7) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings, or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;

9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, or to non-residential septic system wells that are used solely for the disposal of sanitary waste and which have the capacity to serve fewer than 20 persons a day;

10) Subsurface control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;

11) Radioactive waste disposal wells other than Class IV wells;

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movement of fluid containing any contaminant into an underground source of drinking water if the presence of that contaminant may cause a violation of any primary drinking water regulation under 35 Ill. Adm. Code 611.7, any of the ground water quality standards of 35 Ill. Adm. Code 620.7, or may otherwise adversely affect the health of persons. Closure requirements for motor vehicle waste disposal wells and large-capacity cesspools are reiterated at Section 704.289.

- 2) The owner or operator must dispose of or otherwise manage any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well in accordance with all applicable Federal, State, and local regulations and requirements.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

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- 12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture or production of electric power;
13) Wells used for solution mining of conventional mines such as slopes leaching;
14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; and
15) Injection wells used in experimental technologies.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 730.110 Plugging and Abandoning Class I and Class III Wells

- a) Requirements for Class I, II and III injection wells.
1a) Prior to abandoning a Class I or Class III well, the well must ~~shall~~ be plugged with cement in a manner that will not allow the movement of fluids either into or between underground sources of drinking water. The Agency may allow Class III wells to use other plugging materials if it is satisfied that such materials will prevent movement of fluids into or between underground sources of drinking water.
2a) Placement of the cement plugs shall be accomplished by one of the following:
Aa) The Balance Method;
Ba) The Dump Baller Method;
Ca) The Two-Plug Method; or
Da) An alternative method approved by the Agency in the permit that will reliably provide a comparable level of protection to underground sources of drinking water.
3a) The well to be abandoned must be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Agency, prior to the placement of the cement plug.
4a) The plugging and abandonment required in 35 Ill. Adm. Code 704.181(f) ~~704.188~~ ~~704.187~~ must also demonstrate adequate protection of USDWs in the case of a Class III well that underlies or is in an aquifer that has been exempted under Section 730.104. The Agency must ~~shall~~ prescribe aquifer cleanup and monitoring where it deems it necessary and feasible to insure adequate protection of USDWs.
b) Requirements for Class IV injection wells. Prior to abandoning a Class IV well, the owner or operator must close the well in accordance with 35 Ill. Adm. Code 704.143(b).
c) Requirements for Class V injection wells.
1) Prior to abandoning a Class V injection well, the owner or operator must close the well in a manner that prevents the

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- 140.503 Amendment 24 Volume Ill. Reg. 8800, 6/30/00
 140.505 Amendment 24 Volume Ill. Reg. 8800, 6/30/00
 140.506 Amendment 24 Volume Ill. Reg. 8800, 6/30/00
 140.700 Amendment 24 Volume Ill. Reg. 8800, 6/30/00
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
 Office of the General Counsel, Rules Section
 Illinois Department of Public Aid
 201 South Grand Avenue East, Third Floor
 Springfield, Illinois 62763-0002
 (217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: Section 140.421 Providers enrolled in the Medicaid program who accept assignment of Medicare benefits for QMB recipients when payment for services to such persons is sought from the Department. Section 140.422 - Pharmacies enrolled in the Medical Assistance Program

B) Reporting, bookkeeping or other procedures required for compliance: None

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
 140.21 Amendment
 140.22 Repeal

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments to Section 140.21 provide clarifications regarding payment from the Department for services provided to Qualified Medicare Beneficiaries (QMBs). The current provisions of this Section state that providers will be reimbursed for services at the Full Medicare deductible and coinsurance rate for non-Medicaid covered services. However, the Department provides payment only when services delivered to QMBs are not covered under Medicaid but have been approved by Medicare. Clarifications are being made to align the rule with policy.

The repeal of Section 140.22, Magnetic Tape Billings, is being proposed because the rule is outdated. This Section is concerned with billings by way of magnetic tape from pharmacies. Such billings were executed under written agreement between a pharmacy and a billing service that was approved by the Department. Pharmacies now bill the Department electronically for services rendered to Public Aid clients.

This proposed rulemaking will not result in any budgetary changes.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.11	Amendment	24 Volume Ill. Reg. 8800, 6/30/00
140.12	Amendment	24 Volume Ill. Reg. 8800, 6/30/00
140.21	Amendment	24 Volume Ill. Reg. 8800, 6/30/00
140.445	Amendment	24 Volume Ill. Reg. 10058, 7/14/00
140.474	Amendment	24 Volume Ill. Reg. 10058, 7/14/00
140.494	New Section	24 Volume Ill. Reg. 11539, 8/8/00
140.502	Amendment	24 Volume Ill. Reg. 8800, 6/30/00

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C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: This rulemaking was inadvertently omitted when the most recent regulatory agenda was published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

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Section

140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Need
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings (Repealed)
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments
140.28 Record Requirements for Medical Providers
140.30 Audits
140.31 Emergency Services Audits
140.32 Prohibition on Participation, and Special Permission for Participation
140.33 Publication of List of Terminated, Suspended or Barred Entities
140.35 False Reporting and Other Fraudulent Activities
140.40 Prior Approval for Medical Services or Items
140.41 Prior Approval in Cases of Emergency
140.42 Limitation on Prior Approval
140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55 Recipient Eligibility Verification (REV) System
140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
140.72 Voucher Advance Payment and Expedited Payments
140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

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140.80 Hospital Provider Fund
140.82 Developmentally Disabled Care Provider Fund
140.84 Long Term Care Provider Fund
140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95 Hospital Services Trust Fund
140.96 General Requirements (Recodified)
140.97 Special Requirements (Recodified)
140.98 Covered Hospital Services (Recodified)
140.99 Hospital Services Not Covered (Recodified)
140.100 Limitation on Hospital Services (Recodified)
140.101 Transplants (Recodified)
140.102 Heart Transplants (Recodified)
140.103 Liver Transplants (Recodified)
140.104 Bone Marrow Transplants (Recodified)
140.110 Disproportionate Share Hospital Adjustments (Recodified)
140.111 Payment for Inpatient Services for GA (Recodified)
140.116 Hospital Outpatient and Clinic Services (Recodified)
140.117 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.200 Payment for Hospital Services After June 30, 1982 (Repealed)
140.201 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.202 Limits on Length of Stay by Diagnosis (Recodified)
140.203 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.300 Copayments (Recodified)
140.350 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)
140.362 Pre July 1, 1989 Services (Recodified)
140.363 Post June 30, 1989 Services (Recodified)
140.364 Prepayment Review (Recodified)
140.365 Base Year Costs (Recodified)
140.366 Restructuring Adjustment (Recodified)
140.367 Inflation Adjustment (Recodified)
140.368 Volume Adjustment (Repealed)
140.369 Groupings (Recodified)
140.370 Rate Calculation (Recodified)
140.371 Payment (Recodified)
140.372 Review Procedure (Recodified)
140.373 Utilization (Repealed)
140.374 Alternatives (Recodified)
140.375 Exemptions (Recodified)
140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391 Definitions (Recodified)
140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
140.400 Payment to Practitioners, Nurses and Laboratories
140.410 Physicians' Services
140.411 Covered Services by Physicians
140.412 Services Not Covered By Physicians
140.413 Limitation on Physician Services
140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416 Optometric Services and Materials
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140.429	Limitations on Chiropractic Services (Repealed)
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140.431	Services Not Covered by Independent Clinical Laboratories
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140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
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140.443	Filling of Prescriptions
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140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
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140.450	Record Requirements for Pharmacies
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140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Participations
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
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140.469	Hospice
140.470	Home Health Services
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140.477	Limitations on Equipment, Supplies and Prosthetic Devices
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140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
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140.482	Family Planning Services
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140.485	Healthy Kids Program
140.486	Limitations on Medichuk Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
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140.490	Medical Transportation
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140.492	Payment for Medical Transportation
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SUBPART E: GROUP CARE

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140.500	Long Term Care Services
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140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
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140.506	Provider Voluntary Withdrawal
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140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment Utilization Control
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140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)

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140.527 Quality Incentive Survey (Repealed)
 140.528 Payment of Quality Incentive (Repealed)
 140.529 Reviews (Repealed)
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 140.534 Ownership Costs
 140.535 Costs for Interest, Taxes and Rent
 140.536 Organization and Pre-Operating Costs
 140.537 Payments to Related Organizations
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 140.540 Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
 140.541 Salaries Paid to Owners or Related Parties
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 140.554 Component Inflation Index
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 140.560 Components of the Base Rate Determination
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 140.650 Certification of Developmental Training (DT) Programs
 140.651 Decertification of Day Programs
 140.652 Terms of Assurances and Contracts
 140.680 Effective Date of Payment Rate
 140.700 Discharge of Long Term Care Residents
 140.830 Appeals of Rate Determinations
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SUBPART F: MEDICAID PARTNERSHIP PROGRAM

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 140.850 General Description (Repealed)
 140.855 Definition of Terms (Repealed)
 140.860 Covered Services (Repealed)
 140.865 Sponsor Qualifications (Repealed)
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 140.890 Payment Methodology (Repealed)
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 140.896 Reimbursement for Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Repealed)
 140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
 140.901 Functional Areas of Needs (Recodified)
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 140.904 Times and Staff Levels (Repealed)

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140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
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 140.909 Statewide Rates (Recodified)
 140.910 Referrals (Recodified)
 140.911 Basic Rehabilitation Aide Training Program (Recodified)
 140.911 Interim Bursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section
 140.920 General Description
 140.920 Covered Services
 140.922 Maternal and Child Health Provider Participation Requirements
 140.924 Client Eligibility (Repealed)
 140.928 Client Enrollment and Program Components (Repealed)
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
 140.944 Notification of Negotiations (Recodified)
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.958 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 140.960 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
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 140.964 Transfer of Recipients (Recodified)
 140.966 Validity of Contracts (Recodified)
 140.970 Termination of ICARE Contracts (Recodified)
 140.972 Hospital Services Procurement Advisory Board (Recodified)

TABLE A Medicare Recommended Screening Procedures (Repealed)
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TABLE D Schedule of Dental Procedures
 TABLE E Time Limits for Processing of Prior Approval Requests
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 TABLE G Travel Distance Standards
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 TABLE I Staff Time and Allocation for Training Programs (Recodified)
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 TABLE K Services Qualifying for 10% Add-On (Repealed)
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 TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, P. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21679, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment

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at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12007, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13938, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18008, effective October 24, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2123, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140-71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16759, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140-900 thru 140-912 and 140-Table H and 140-Table I recodified to 89 Ill. Adm. Code 147-5 thru 147-295 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections

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140-940 thru 140-972 recodified to 89 Ill. Adm. Code 149-5 thru 149-325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140-850 thru 140-896 recodified to 89 Ill. Adm. Code 146-5 thru 146-225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140-94 thru 140-398 recodified to 89 Ill. Adm. Code 148-10 thru 148-390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140-110 recodified to 89 Ill. Adm. Code 148-120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2504, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg.

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18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20759, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140-569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 4006, effective February 28, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993; for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a

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maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 42583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 3529, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23

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Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

- a) In order to be qualified to receive reimbursement for services provided to QMB eligible clients (see 89 Ill. Adm. Code 120.72), providers must be enrolled in the Medicaid program. Providers must also accept assignment of Medicare benefits for QMB recipients, when payment for services to such persons is sought from the Department.
- b) For Medicaid covered services, the Department will reimburse qualified providers who render services to QMBs in accordance with Department standards for the service(s) provided. For non-Medicaid-covered services approved by Medicare but not covered by Medicaid, the Department will reimburse qualified providers who render services to QMBs at the full Medicare deductible and coinsurance rate.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 140.22 Magnetic Tape Billings (Repealed)

- a) The Illinois Department of Public Aid may accept billings on magnetic tape submitted by a participating pharmacy, subject to the conditions and restrictions set forth herein:

- 1) The pharmacy shall have executed a direct tape submission agreement with the Department agreeing and certifying that:
 - A) The pharmacy shall maintain all hard-copy records and source documents relating to the preparation and submission of all claims, whether accepted or rejected, submitted on magnetic tape by the pharmacy for not less than three (3) years from the date of service or as required by applicable Federal or State law, whichever is longer (see Rule 4.014(b)); and
 - B) The Department or its designees (designees may include but not be limited to the Department of Law Enforcement, the Attorney General's Office, the Office of Inspector General and the Health Care Financing Administration); the pharmacy shall repay the Department the full amount of any payment made by the Department for any claim submitted on magnetic

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tape for which the pharmacy fails to retain and produce the hard-copy records described in this Rule:

b) If a Department audit is initiated, the pharmacy shall retain all original records described in paragraph (A) above until the audit has been completed and every audit issue has been resolved; even if the retention period extends beyond three (3) years from the date of service or such longer period required by Federal or State law (see Rule 4.014(b));

c) The pharmacy shall be fully liable for overpayments made by the Department on all claims submitted by the pharmacy on magnetic tape;

d) The pharmacy shall be fully responsible for the preparation and submission of magnetic tape billings.

- 2) Magnetic tape billings shall be submitted by the pharmacy in conformance with the provisions of paragraph (b) hereof.
- b) The Department will accept magnetic tape billings only under the following conditions:
 - 1) Each tape submitted to the Department shall contain at least 10,000 billable line items;
 - 2) All such items shall be submitted in batches containing not more than 7,000 individual items;
 - 3) Each tape submitted to the Department shall be accompanied by the following:
 - A) A summary sheet detailing the number of batches on the tape and the total amount billed;
 - B) A microfiche copy of each batch contained on said tape; and
 - C) A signed certification for each such batch.

The Illinois Department of Public Aid may accept billings on magnetic tape submitted by a participating pharmacy prepared by an entity thereafter referred to as the billing service, other than the pharmacy, subject to the conditions and restrictions set forth herein:

- 1) The pharmacy and the billing service shall have executed a written agreement between themselves approved and on file with the Department;
- 2) Bills for services rendered to Public Aid recipients shall be prepared by the billing service solely from information furnished by the pharmacy;
- 3) The pharmacy and the billing service each shall have executed written agreements with the Department agreeing and certifying that:
 - A) The pharmacy and the billing service each shall maintain all hard-copy records and source documents relating to the preparation and submission of all claims, whether accepted or rejected, prepared by the billing service in behalf of the pharmacy for not less than (3) years from the date of service or as required by applicable Federal or State law, whichever is longer (see Rule 4.014(b)); and shall furnish these records upon demand when so requested by the

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Department or its designees (designees may include but not be limited to the Department of Law Enforcement, the Attorney General, the Office of the Inspector General and the Health Care Financing Administration)

- a) the pharmacy and the billing service each shall maintain all records relating to the financial and contractual relationship between the pharmacy and the billing service for not less than three (3) years from the date of termination of such financial and contractual relationship or as required by applicable Federal or State law, whichever is longer, and shall furnish these records upon demand when so requested by the Department or its designees;
- b) if a Department audit is initiated, the pharmacy and billing service shall retain all original records described in paragraph (b) above until the audit is completed and every audit issue has been resolved, even if the retention period extends beyond three (3) years from the date of service or termination of financial and contractual relationship; or longer period required by Federal or State law;
- B) the pharmacy and the billing service shall be jointly and severally liable for overpayments made by the Department on all claims prepared by the billing service in behalf of the pharmacy;

- B) the billing service shall prepare and submit bills pursuant to a limited power of Attorney authorizing the billing service to prepare, certify and submit magnetic tape billings to the Department for pharmacy services rendered to Public Aid recipients. For the purpose of preparation of bills by the billing service in behalf of the pharmacy, the billing service and the authorized signator thereof shall be designated as agents of the pharmacy in the written agreement executed by the pharmacy and the billing service.

- 4) None of the owners or if a corporation, none of the officers, directors or shareholders of 5% or more of the shares of stock of the billing service shall have been barred from participation in the Medical Assistance Program;
- 5) Payments to the billing service by the pharmacy shall not be based on a percentage of either the dollar amount of bills or payments made by the Department in satisfaction thereof.

- 6) Magnetic tape bills prepared by the billing service in behalf of the pharmacy shall be submitted to the Department in conformance with the provisions of paragraph (b) hereof.

- d) the Department has the right to withdraw the arrangement by which bills, whether prepared by the pharmacy or by the billing service in behalf of the pharmacy, are submitted on magnetic tape and to require bills to be prepared, signed and submitted by the pharmacy in hard copy form. The Department shall accept magnetic tape billings prepared, certified and submitted by the billing service in behalf of

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the pharmacy only so long as such agreement remains in existence and in effect.

(Source: Repealed at 24 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

1) Heading of the Part: Manufactured Home Installer Course Accreditation Code

2) Code Citation: 77 Ill. Adm. Code 885

3) Section Numbers: Proposed Action:

885.10 New Section

885.20 New Section

885.30 New Section

885.40 New Section

885.50 New Section

4) Statutory Authority: Implemented and authorized by the Illinois Manufactured Home Installers Act (430 ILCS 120).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking will implement recent legislation creating the Illinois Manufactured Home Installers Act (430 ILCS 120). Under Section 15 of the Act, the Department is required to promulgate rules for the accreditation of courses for persons who install manufactured homes in Illinois. Courses must provide instruction on installation of a manufactured home in accordance with the manufacturer's specifications and installer guidelines published by the Department. Accreditation criteria and minimum course curriculum for installer courses are specified in the proposed rules.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain any Incorporation by Reference? Yes

9) Are there any Other Proposed Rules Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate on units of local government.

11) Time, Place and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing, within 45 days after this issue of the *Illinois Register*, to:

Paul Thompson, Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043
(e-mail: rules@dph.state.il.us)

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12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses Affected: This rulemaking will affect any entity that offers a manufactured home installation course.

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: The proposed amendments require submission of information concerning initial course administration and curriculum and changes to initial submission.

C) Types of Professional Skills Necessary for Compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The Department did not anticipate the need for these rules.

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER q: MOBILE HOMES

PART 885

MANUFACTURED HOME INSTALLER COURSE ACCREDITATION CODE

Section 885.10 Definitions
885.20 Incorporated and Referenced Materials
885.30 Accreditation of Manufactured Home Installer Course
885.40 Responsibilities of Accredited Manufactured Home Installer Courses
885.50 Accredited Manufactured Home Installer Course Curriculum

AUTHORITY: Implemented and authorized by the Illinois Manufactured Home Installers Act [430 ILCS 120].

SOURCE: Adopted at 24 Ill. Reg. _____, effective _____.

Section 885.10 Definitions

"Act" means the Illinois Manufactured Home Installers Act [430 ILCS 120].

"Department" means the Illinois Department of Public Health.

"Training hour" means at least 50 minutes of actual teaching, including time devoted to lecture, learning activities, small group activities, demonstrations, evaluations and/or practical, hands-on instruction.

Section 885.20 Incorporated and Referenced Materials

- a) Incorporations by Reference
1) The following standards, regulations, and laws are incorporated in this Part:
A) Regulations and guidelines of federal agencies:

Transportation of Natural and Other Gas by Pipeline:
Minimum Federal Safety Standards (49 CFR 192)
United States Department of Transportation, Office of Pipeline Safety
400 7th Street, S.W.
Washington, D.C. 20590

- B) Standards of nationally recognized organizations:

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National Fire Protection Association
1 Batterymarch Park
P.O. Box 9101
Quincy, Massachusetts 02269-9101:

- i) National Electrical Code, 1999 Edition (NFPA 70-99)
- ii) Installation of Oil Burning Equipment, 1997 Edition (NFPA 31-97)
- iii) National Fuel Gas Code, 1996 Edition (NFPA 54-99)
- iv) Liquefied Petroleum Gas Code, 1998 Edition (NFPA 58-98)

- 2) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- 3) All citations to federal regulations in this Part concern the specified regulation in the 1997 Code of Federal Regulations, unless another date is specified.

- b) Referenced Materials

The following standards, regulations, and laws are referenced in this Part:

- 1) State of Illinois rules:
 - A) Manufactured Home Community Code (77 Ill. Adm. Code 860)
 - B) Illinois Manufactured Home Tiedown Code (77 Ill. Adm. Code 870)
 - C) Illinois Plumbing Code (77 Ill. Adm. Code 890)
- 2) State of Illinois statutes:
 - A) Illinois Mobile Home Park Act [210 ILCS 115]
 - B) Illinois Mobile Home Tiedown Act [210 ILCS 120]
 - C) Illinois Plumbing License Law [225 ILCS 320]

Section 885.30 Accreditation of Manufactured Home Installer Course

- a) An entity that offers or plans to offer a manufactured home installer course shall obtain Department accreditation for the course by submitting to the Department in writing the following information at least 60 days before the beginning of the course:

- 1) The name, address, telephone number, and contact person for the entity providing the course.
- 2) The course location and written documentation that the course provides facilities for classroom and field hands-on training of sufficient size to accommodate the maximum enrollment of the course.

- 3) Beginning and ending dates for the course.

- 4) A course schedule and syllabus.

- 5) Student and instructor manuals for the course.

- 6) Documentation of a principal instructor who shall be responsible for the organization of the course and oversight of the teaching

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NOTICE OF PROPOSED RULES

of all course material. Guest instructors may be utilized as needed to provide instruction specific to the lecture, hands-on activities, or work practice components of a course. The principal instructor shall have the following qualifications:

- A) at least two years of education in building construction technology; or
- B) two years of experience in managing a training program specializing in the installation of manufactured homes.

7) A final examination for the course that includes criteria for pass/fail. The course must require at least 70% correct on the final examination as a passing score.

8) An example of the certificate of course completion that includes the following information:

- A) the name, address, and telephone number of the entity providing the course;
 - B) the name, dates of attendance at course, and indication of pass/fail for the student to whom the certificate is issued.
- b) The Department shall notify the course sponsor in writing whether the request for accreditation has been approved.
- c) For requests that are not approved, the Department's notification will include the reason for disapproval. The course sponsor may submit a revised request for accreditation in which items noted to be incomplete in the initial request are completed.
- d) The Department shall maintain and make available to the public a list of approved course sponsors.

Section 885.40 Responsibilities of Accredited Manufactured Home Installer Courses

a) The entity offering an accredited training course shall be responsible for maintaining training course records and making such records available to the Department as necessary.

1) Course records shall be retained at the address specified on the training program accreditation application, as modified, for a minimum of 3 years.

2) The entity shall notify the Department in writing within 30 days:

- A) after changing the address specified on the training course accreditation application; or
 - B) transferring records to a new address.
- 3) The Department shall have the authority to enter, inspect and audit training facilities and to examine records to determine compliance with the Act and this Part.

b) Training course records that shall be maintained include the following:

- 1) All documents that demonstrate the qualifications of the principal instructor, as specified in Section 885.30(a)(6).
- 2) Current curriculum/course materials and documents reflecting any changes made to these materials.

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NOTICE OF PROPOSED RULES

- 3) A copy of the course final examination.
 - 4) Results of the course final examination and a record of each certified installer's course completion.
 - 5) Any other materials specified in Section 885.30 that have been submitted to the Department as part of the program approval.
- c) Within 30 days after course completion, entities offering accredited courses shall submit to the Department a list of installers completing a course.

Section 885.50 Accredited Manufactured Home Installer Course Curriculum

Each accredited manufactured home installer course shall provide instruction on how to install a manufactured home to the specifications of the manufacturer, review the Guidelines for the Installation of Manufactured Homes published by the Department, and test the written and practical installation skills of the individual installer (Section 15 of the Act). Each course shall consist of at least 10 training hours that include the following topics:

- a) The installer's responsibility to obtain a copy of the home manufacturer's setup manual to ensure proper setup of the home in accordance with the home's warranty.
- b) The inspection of the proposed site of the home prior to setup to ensure proper location.
- c) Ensuring that the proposed site has drainage away from the home, vegetation cleared from under the home, and vapor barriers provided.
- d) Support of the home by a foundation system in accordance with the design loads of the home, the existing soil load bearing capacity of the home location, the Illinois Mobile Home Park Act, the Manufactured Home Community Code, and local authority requirements.
- e) Safety consideration for the setup of a home.
- f) Proper leveling of the home and placement of piers or foundation walls in accordance with the home manufacturer's specifications.
- g) Proper anchoring in accordance with the Illinois Mobile Home Tiedown Act and the Illinois Manufactured Home Tiedown Code.
- h) The installation of the plumbing for the home in accordance with the Illinois Plumbing License Law and the Illinois Plumbing Code.
- i) The installation of the electrical system for the home in compliance with the National Electrical Code.
- j) The installation of the gas or oil utilities for the home in compliance with the requirements of the Installation of Oil Burning Equipment, National Fuel Gas Code, Liquefied Petroleum Gas Code, and the Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Board of Appeals

2) Code Citation: 86 Ill. Adm. Code 210

3) Subject Name(s): Proposed Action:
Amendment

4) Statement of Authority: 20 ILCS 2505/39A20, 2505/39c and 2505/39c4

5) A Complete Description of the Subjects and Issues Involved: A matter currently before the Department's Board of Appeals has highlighted the need for an amendment to Section 210.110. In a matter before the Board, members of the Board have recused themselves from consideration of the subject because of actual or potential conflicts of interest. Under the current rule, the one remaining Board Member is precluded from making a recommendation for relief to the Director. This situation is inequitable. The rulemaking addresses this inequity.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Keith Staats
General Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
217/782-7296

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: Any small business with a matter before the Department's Board of Appeals.

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B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for this rulemaking was only identified recently because of a matter currently before the Board of Appeals.

The full text of the Proposed Amendments begins on the next page:

SECRETARY OF STATE
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Regulations under the Illinois Business Brokers Act of 1995.

2) Code Citation: 14 Ill. Adm. Code 140

Section Numbers:	Proposed Action:
140.51	Amended
140.1150	Amended
140.1152	Amended
140.2110	Amended
140.2120	Amended
140.2130	Amended
140.2140	Amended
140.2142	Amended

4) Statutory Authority: 815 ILCS 307

5) A Complete Description of the Subjects and Issues Involved:

Section 140.51 - amended to define domicile

Section 140.1150 - amended to authorize use of UCC1 form to file liens

Section 140.1152 - amended to authorize use of UCC3 for termination of liens

Section 140.2110 - amended to authorize fees to be set by the UCC Division

Section 140.2120 - amended to authorize liens to be filed with the UCC Division

Section 140.2130 - amended to change date of filing for liens to that set by the UCC Division

Section 140.2140 - amended to authorize the UCC Division to set form requirements

Section 140.2142 - amended to authorize the UCC Division to set additional exhibit requirements

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

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NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Public comment may be made, in writing, on this proposal for a period of 45 days after the date of this publication. Comments should be addressed to:

Vickie Moseley or Tanya Solov
Illinois Securities Department
Lincoln Tower, Suite 200
520 South Second Street
Springfield, IL 62701
782-2256 or 312-793-3384

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Minimal, requires business brokers to file their business broker liens with the Business Services Department, UCC Division rather than with the Illinois Securities Department.

B) Reporting, bookkeeping or other procedures required for compliance: These rules create no increased reporting requirements, rather it changes the place of filing.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 2000

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE

SUBTITLE A: REGULATION OF BUSINESS

CHAPTER 1: SECRETARY OF STATE

PART 140

REGULATIONS UNDER THE ILLINOIS BUSINESS BROKERS ACT OF 1995

SUBPART A: DEFINITIONS

Section
140.50 Scope of the Law (Repealed)
140.51 Definitions of Terms Used in the Act and the Rules

SUBPART B: REGISTRATION OF BUSINESS BROKERS

Section
140.100 Procedures for Registration as a Business Broker Under Section 10-10 of the Act
140.120 Procedures for Withdrawal of Pending Application or Termination of Registration as a Business Broker
140.130 Procedure with Respect to Abandoning Incomplete Applications for Registration as a Business Broker
140.200 Procedures for Renewal of Registration as a Business Broker Under Section 10-20 of the Act
140.300 When Disclosure Statement Must Be Provided
140.301 Purpose of Disclosure; Substantial Compliance
140.302 Contents of Disclosure Statement
140.303 Providing the Contract With the Disclosure Statement
140.304 Providing the Contract to Client (Repealed)

SUBPART C: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
140.400 Hearings

SUBPART D: RECORDS

Section
140.750 Records Required of Business Brokers

SUBPART E: EXEMPTIONS

Section
140.800 Previous and Ongoing Agreements or Contracts and Transactions Not Affected (Repealed)
140.801 Burden of Proof
140.802 Exemption for Franchises (Repealed)
140.803 Exemptions from Waiting Period and Disclosure Requirements Pursuant to Section 10-30 of the Act

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140.804 Exemption for Attorneys (Repealed)
140.805 Exemption for Certified Public Accountants (Repealed)
140.806 Other Persons Exempt from the Act and This Part (Repealed)
140.807 Transactions Exempt from the Act and This Part (Repealed)
140.808 Exemption for Real Estate Brokers and Real Estate Salespersons -- Services Incidental to a Real Estate Brokerage Agreement (Repealed)
140.810 Exemption for Loan Broker Agreements or Contracts from the Business Brokers Act of 1995

SUBPART F: SERVICE OF PROCESS

Section
140.1000 Service of Process upon the Secretary of State

SUBPART G: PROCEDURES FOR BUSINESS BROKER LIENS

Section
140.1150 Procedures for Filing a Notice of Lien Under or Amendment to a Notice of Lien Under Section 10-115 of the Act
140.1152 Procedures to Terminate a Notice of Lien Prior to the Two Year Expiration

SUBPART H: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
140.1200 Request for Non-Binding Statements

SUBPART I: PUBLIC INFORMATION

Section
140.1400 Inspection of Business Broker Records
140.1401 Non-Public Distribution of Information

SUBPART J: RULES OF GENERAL APPLICATION

Section
140.2100 Business Hours of the Securities Department
140.2101 Computation of Time
140.2110 Payment of Fees
140.2120 Place of Filing
140.2130 Date of Filing
140.2140 Requirements as to Proper Form
140.2141 Additional Information
140.2142 Additional Exhibits
140.2143 Information Unknown or Not Reasonably Available
140.2144 Requirements as to Paper, Printing and Language
140.2145 Number of Copies--Signatures

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140.2190 Provisions for Granting of Variance from Rules

AUTHORITY: Implementing and authorized by the Illinois Business Brokers Act of 1995 [815 ILCS 307].

SOURCE: Adopted by emergency rulemaking at 20 Ill. Reg. 603, effective January 1, 1996, for a maximum of 150 days; adopted at 20 Ill. Reg. 7984, effective May 30, 1996; amended at 23 Ill. Reg. 3059, effective March 1, 1999; amended at 24 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 140.51 Definitions of Terms Used in the Act and the Rules

- a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act or Law" means the Illinois Business Brokers Act of 1995 [815 ILCS 307].

"Advertising" means any circular, disclosure statement, advertisement, or other material or any communication by radio, television, pictures or the transmittal or sending or of any communication via the non-proprietary, nonprofit, public computer network (commonly known as the "Internet") or similar means.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Applicant" means the person making application for registration.

"Branch Office":

Branch office means any office, residence or other place or location in this State where the business of a registered business broker is conducted and which is owned or controlled by, or operated directly, or indirectly for the benefit of, the registered business broker and where the business of the business broker is conducted by a principal, agent or employee for such registered business broker.

The principal office located in this State of the registered business broker shall not be considered a branch office.

Except as otherwise provided in this Section, each office, residence or other place or location where business is being

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conducted in this State on behalf of a registered business broker shall be considered a branch office for the registered business broker.

"Date of Filing" means the date that all of the required documents are received by the Securities Department and all the required fees are paid to the Secretary of State. A document shall not be deemed to be filed if any material information required by the Act or this Part is omitted or the document is illegible.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Domicile" means, when applied to a business, that entity's principal place of business and, where applicable, that entity's place of incorporation.

"Dominant Element of a Transaction" as used in Section 10-5.15 of the Act means any transaction in which (1) 50% or more of the purchase price or 50% or more of the net asset value of the business being sold is real estate; or (2) real estate is an integral part of the business being sold. The percentage of the transaction made up of the purchase price or net asset value of the real estate shall be based upon the reasonable expectation of the person potentially acting as a business broker and the client at the time the brokerage contract or agreement for services is entered into; or (3) real estate is the single largest part of the transaction.

"Employee" does not include a director, trustee or officer.

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 USC 481-487, 227), and the Rules and Regulations thereunder as in effect on January 1, 1996.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary of State only after opportunity for a hearing.

"Insolvency" means the rendering of a business broker financially unable to perform any contractual obligations of its business brokering duties.

"Offer or Offer to Sell" includes every attempt to dispose of a

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business for value or solicitation of an offer to purchase a business.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Ongoing Business" means an existing business that, for at least six months prior to the offer, has been operated from a specific, but not necessarily the same, location, has been open for business to the general public and has substantially all of the equipment and supplies necessary to operate the business.

"Principal" means any officer, director, partner, member, trustee, or manager who is responsible for the supervision and management of the daily business operations in this State of a business broker required to be registered under the Act.

"Proposed Client" means any person who has executed a disclosure statement which he or she received from a business broker and returned or caused to be returned to the business broker.

"Real Estate" means and includes leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold or non-freehold, and whether the real estate is situated in Illinois or elsewhere.

"Rules" refers to all rules adopted by the Secretary of State pursuant to the Act.

"Sale or Sell" means every contract or agreement of sale, contract to sell, or the disposition of a business or interest in a business for value.

"Secretary of State" means the Securities Department of the office of the Illinois Secretary of State or the Secretary of State or the Securities Director, or his or her designee, as the case may be.

"Section" refers to a Section of this Part unless a reference to the Act is specifically made.

b) A Section of this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines

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such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

SUPPORT G: PROCEDURES FOR BUSINESS BROKER LIENS

Section 140.1150 Procedures for Filing a Notice of Lien or Amendment to a Notice of Lien Under Section 10-115 of the Act

a) A business broker who is filing a notice of lien must file Form UCC 1.1 Financing Statement, ~~Form-BB151-Notice-of-Bien~~ with the Uniform Commercial Code Division ~~Illinois-Securities-Department~~, together with the filing fee, as specified by 810 ILCS 5/9-403 through 9-406 in ~~Section-140-2110-of-this-Part~~. The form must contain the following information:

- 1) Name of business broker, and business broker file number and address in the section marked as secured party;
- 2) Name of purchaser and address labeled "Name of purchaser and address" in the section marked as "debtor" if the lien is against the purchaser, otherwise in the section marked as "secured party";
- 3) Name of seller and address labeled "Name of seller and address" in the section marked as "debtor" if the lien is against the seller, otherwise in the section marked as "secured party";
- 4) In the section marked as "this financing statement covers the following types (or items) of property":
 - A) A legend in bold capital letters stating as follows: "NOTICE OF BUSINESS BROKER LIEN";
 - B) Name of business and address;
 - C) Description of business;
 - D) Total dollar amount claimed; and
 - E) A detailed description of business assets to which the lien applies that reasonably identifies those assets. The description may include, but is not limited to, addresses, legal descriptions, inventory and serial numbers. Failure to describe an asset shall not affect the validity of a lien.

b) The form shall be signed by the business broker or a person authorized to sign on behalf of the business broker, ~~and-verified-as-to-the-truth~~

~~and-accuracy-of-information-contained-in-the-notice~~.

c) A business broker may file an amendment to an existing Notice of Lien by filing Form UCC 3.1, together with the Amendment to Notice of Lien fee in the amount specified by 810 ILCS 5/9-403 through 9-406 Form

~~BB151-together-with-the-Amendment-to-Notice-of-Bien-fee-in-the-amount~~

~~specified-in-Section-140-2110-of-this-Part~~.

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d) A Notice of Lien may not be filed by a business broker who is unregistered or whose registration has been denied, suspended or revoked. A Notice of Lien filed by a business broker whose registration currently or subsequently is denied, suspended or revoked is immediately terminated.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

brokering on behalf of the business brokerage firm in excess of 2two)

\$20 (if in excess of 2 branch offices in this State)

Section 140.1152 Procedures to Terminate a Notice of Lien Prior to the Two Year Expiration

a) A business broker may terminate a Notice of Lien that was filed prior to January 1, 2001 with the Securities Department or after January 1, 2001 with the Uniform Commercial Code Division prior to the two year termination by filing Form UCC 3 with the Uniform Commercial Code Division Form 8844b-17-Release-of-Lien-with-the-Illinois-Securities-Department-within-ten-business-days-after-the-occurrence-if-the-form-is-received-more-than-ten-business-days-from-the-date-after-the-occurrence-a-rate-fee-in-the-amount-specified-in-Section-140.2116-of-this-Part-is-required. This form must contain the following information:

1) Name of business broker and business broker file number;

2) Name of purchaser;

3) Name of seller;

4) Name of business;

5) Date Notice of Lien was filed with the Illinois Securities Department or Uniform Commercial Code Division; and

6) Reason for release and date of the release such-occurrence.

b) The form shall be signed by the business broker or a person authorized to sign on the behalf of the business broker--and--verified--to--the truth-and-accuracy-of-information-contained-in-the-release.

Section 10-20 Renewal Filing and Examination Fee

\$200(plus \$50 for each person who is engaged in business brokering on behalf of the business brokerage firm in excess of 2two)

Section 140.2110 Payment of Fees

a) Fees under the Act are as follows:

Section 10-10 Filing, Examination and Registration Fee

\$200(plus \$50 for each person who is engaged in business

Business Broker Fee to report a change in its form of organization or change of its name

\$20

Renewal Branch Office Fee

\$20 (if in excess of 2 branch offices in this State)

Renewal Late Fee

\$100(if the renewal application is filed within 29 days preceding the expiration of the current registration)

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Service of Process (when served upon the Secretary) \$10

Section 10-50 Certificate \$10

Certified Copy of Document Each Page Certified \$10 plus \$.50

Section 10-115 Notice of Lien \$50

As specified in the Uniform Commercial Code [810 ILCS 5/9-403 through 9-406]

Amendment to Notice of Lien \$25

As specified in the Uniform Commercial Code [810 ILCS 5/9-403 through 9-406]

Late Notice-of-Release

\$25-(if-filed-more than-ten-business days-from-the occurrence)

Non-Binding Statement \$75

Duplication of Documents Each Page Duplicated \$.50

Additional fee for payment of fee returned to the Securities Department due to insufficient funds or for a similar reason \$50

b) All payments of fees, except for payment of administrative fines and Notices of Liens pursuant to Section 10-115 under the Act, as set forth below, shall be made by check, money order, certified check, bank cashier's check, or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State shall be accepted as payment of any fee. All payments for administrative fines, in excess of \$500, under the Act, except for a person registered under Section 10-10 or 10-20 of the Act, shall be made by money order, certified check or bank cashier's check.

c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay

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to the Secretary of State the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.

d) The Secretary of State shall require any person to make payment of fees in the form of a money order, certified check, or bank cashier's check if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.

e) All payment of fees under the Act, except Notices of Liens under Section 10-115 of the Act, shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is not less or more than \$5 five-dollars of the amount due.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.2120 Place of Filing

All applications for registration or exemption from registration and other papers, except Notices of Liens under Section 10-115 of the Act, filed with the Securities Department or the Secretary of State pursuant to the Act shall be filed at Lincoln Tower, Suite 200, 520 South Second Street, Springfield, Illinois 62701 or 17 N. State, Suite 1100, Chicago, Illinois 60601. Such material may be filed by delivery to the Securities Department, through the mail or otherwise.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.2130 Date of Filing

a) The date of filing of any document required to be filed, except Notices of Liens under Section 10-115 of the Act, with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 140.2120 of this Part.

b) A document may not be deemed to be filed with the Secretary of State unless all requirements of the Act and this Part with respect to such filing have been complied with and the required fee has been paid.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.2140 Requirements as to Proper Form

Any document, except Notices of Liens under Section 10-115 of the Act, filed with the Securities Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed by the Securities Department. Any

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such document shall be deemed to be filed on the proper form unless objection to the form is made by the Securities Department.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 140.2142 Additional Exhibits

The applicant may file exhibits in addition to those required by the appropriate form, except Notices of Liens pursuant to Section 10-115 of the Act. The exhibits shall be marked to indicate the subject matters to which they refer.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

2) Code Citation: 80 Ill. Adm. Code 1650

3) Section Numbers: Proposed Action:
1650.410 Amended
1650.415 New
1650.620 Amended
1650.630 Amended
1650.635 New
1650.640 Amended
1650.641 New
1650.650 Amended
1650.660 Repealed

4) Statutory Authority: Implementing and authorized by Article 16 [40 ILCS 5/16] of the Illinois Pension Code.

5) A Complete Description of the Subjects and Issues Involved: Rule 1650.410 which deals with the return of contributions for duplicate and/or excess service is being amended to confirm that if a member elects to receive a return of contributions for previously purchased optional service that is no longer needed by the member to receive a maximum retirement benefit, he or she is not eligible to receive the 25% return of contributions for each year of service over 34 years provided to those who take advantage of the 2.2 upgrade option. Additionally, new Rule 1650.415 is being promulgated to allow a member who has made a 2.2 upgrade election that is later determined not to be in the best financial interest of the member to request a return of his or her 2.2 upgrade contributions without interest at retirement.

The System's administrative review rules, Rules 1650.620 through 1650.660, are being amended to provide for a Claims Hearing Committee Presiding Hearing Officer. The Presiding Hearing Officer will preside over the administrative review pre-hearing process to facilitate the preparation of the Claims Hearing Committee hearing packet and to assist the parties in agreeing on how to present their respective positions to the Claims Hearing Committee. In addition, the Presiding Hearing Officer will preside at the hearing and make applicable legal rulings to ensure the hearing proceeds in an orderly fashion. The Claims Hearing Committee will remain the trier of fact in TRS administrative reviews and be responsible for the recommended decision to be submitted to the full TRS Board for final approval. Other than the addition of the Presiding Hearing Officer to the Claims Hearing Committee and clarification of the responsibilities and authority of the Presiding Hearing Officer, the TRS administrative review process remains the same.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Not Applicable

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:

Thomas S. Gray, Assistant General Counsel
Teachers' Retirement System
2815 West Washington, P. O. Box 19253
Springfield, Illinois 62794-9253
(217) 753-0375

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 2000

The full text of the Proposed Amendments begin on the next page:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.201 Disability Benefits - Application Procedure
1650.202 Disability and Occupational Disability Benefits - Definitions
1650.203 Disability Retirement Annuity - Definitions
1650.204 Gainful Employment - Consequences
1650.205 Medical Examinations and Investigation of Disability Claims
1650.206 Physician Certificates
1650.207 Disability Due to Pregnancy
1650.208 Disability Payments
1650.209 Computation of Annual Salary When Member Has Different Semester Salary Rates
1650.210 Claim Applications
1650.211 Disability Recipient Eligible to Receive an Age or Disability Retirement Annuity
1650.220 Reclassification of Disability Claim (Repealed)
1650.221 When Member Becomes Annuitant
1650.222 Death Out of Service
1650.230 Medical Examinations and Investigations of Claims (Repealed)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250 Death Benefits
1650.260 Evidence of Age
1650.270 Reversionary Annuity – Evidence of Dependency
1650.271 Evidence of Parentage
1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280 Evidence of Marriage
1650.290 Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section
1650.310 Effective Date of Membership
1650.320 Method of Calculating Service Credits
1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330 Duplicate Service Credit
1650.340 Service Credit for Leaves of Absence
1650.341 Service Credit for Involuntary Layoffs
1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346 Service Credit for Periods Away From Teaching Due to Adoption
1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.355 Purchase of Optional Service – Required Minimum Payment
1650.356 Payroll Deduction Program
1650.357 Employer Payment of Member's Optional Service and/or Upgrade Contribution Balance
1650.360 Settlement Agreements and Judgments
1650.370 Calculation of Average Salary (Renumbered)
1650.380 Definition of Actuarial Equivalent
1650.390 Independent Contractors
1650.391 Optional 2.2 Upgrade of Earned and Credited Service
1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade Application

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section
1650.410 Return of Contributions for Duplicate or Excess Service
1650.415 Return of Optional Increase in Retirement Annuity Contributions
1650.420 Interest on Deficiencies (Repealed)
1650.430 Installment Payments (Repealed)
1650.440 Small Deficiencies, Credits or Death Benefit Payments
1650.450 Definition of Salary
1650.451 Reporting of Conditional Payments
1650.460 Calculation of Average Salary
1650.470 Rollover Distributions
1650.480 Rollovers to the System

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SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section
1650.505 Beneficiary (Repealed)
1650.510 Re-entry Into Service
1650.520 Suspension of Benefits
1650.530 Power of Attorney
1650.540 Conservators/Guardians
1650.550 Presumption of Death
1650.560 Benefits Payable on Death
1650.570 Survivors' Benefits
1650.571 Payment of Monthly Survivor Benefits to a Trust
1650.575 Full-time Student – Receipt of Survivors Benefits Until Age 22
1650.580 Evidence of Eligibility
1650.590 Comptroller Offset
1650.595 Overpayments

SUBPART G: ATTORNEY GENERALS' OPINION

Section
1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section
1650.610 Staff Responsibility
1650.620 Right of Appeal
1650.630 Form of Written Request
1650.635 Presiding Hearing Officer – Duties and Responsibilities
1650.640 Prehearing Procedure
1650.641 Claims Hearing Committee Hearing Packet
1650.650 Hearing Procedure
1650.660 Rules of Evidence (Repealed)

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section
1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section
1650.910 Summary and Purpose

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1650.920 Definitions
1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests
1650.940 Appeal of a Denial
1650.960 Executive Director's Response to Appeal
1650.970 Response to FOIA Requests
1650.980 Inspection of Records at System Office
1650.990 Copies of Public Records
1650.990 Materials Available Under Section. 4 of FOIA
1650.995

SUBPART L: BOARD ELECTION PROCEDURES

Section
1650.1000 Nomination of Candidates
1650.1010 Petitions
1650.1020 Eligible Voters
1650.1030 Election Materials
1650.1040 Marking of Ballots
1650.1050 Return of Ballots
1650.1060 Observation of Ballot Counting
1650.1070 Certification of Ballot Counting
1650.1080 Challenges to Ballot Counting

SUBPART M: QUALIFIED ILLINOIS DOMESTIC RELATIONS ORDERS

Section
1650.1110 Definitions
1650.1111 Requirements for a Valid Qualified Illinois Domestic Relations Order
1650.1112 Curing Minor Deficiencies
1650.1113 Required Form
1650.1114 Filing a QILDRO with the System
1650.1115 Benefits Affected by a QILDRO
1650.1116 Effect of a Valid QILDRO
1650.1117 QILDROS Against Persons Who Became Members Prior to July 1, 1999
1650.1118 Alternate Payee's Address
1650.1119 Electing Form of Payment
1650.1120 Automatic Annual Increases
1650.1121 Reciprocal Systems QILDRO Policy Statement
1650.1122 Providing Benefit Information for Divorce Purposes

SUBPART N: RETIREMENT BENEFITS

Section
1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); and Section 5-15 of the

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS
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Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, P. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, P. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1651, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency amendment at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 24 Ill. Reg. _____, effective _____.

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section 1650.410 Return of Contributions for Duplicate or Excess Service

- a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, such contributions shall be returned to the member.
- b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be excess service, then the contributions for such excess service or a portion thereof may upon request be returned to the member or the member's beneficiaries.
 - 1) The term "excess service" shall mean that period of service that would exceed the number of years of service;
 - A) necessary for the member to receive the 75% maximum benefit under Section 16-133(e) of the Illinois Pension Code [40 ILCS 5/16-133(e)] if the member elected pursuant to Section 16-129.1 [40 ILCS 5/16-129.1] to upgrade the retirement benefit based upon pre-July 1998 service; or

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B) allowed to be purchased under Section 16-127(b)(2) [40 ILCS 5/16-127(b)(2)].

2) ~~The return of contributions shall be limited to the amount attributable to the purchase of optional service under Section 16-127 [40 ILCS 5/16-127].~~

23) To determine the amount of contributions to be returned to a member pursuant to subsection (b)(1)(B) of this Section, the System shall apply the following formula:

A) divide the total cost of all optional teaching service purchased by the member by the total amount of optional teaching service purchased.

B) multiply the resulting average cost of optional teaching service by the amount of excess service the member requests to be returned.

C) the resulting figure shall be the amount returned to the member at retirement.

3) The return of contributions under subsection (b)(1)(B) of this Section shall be limited to the amount attributable to the purchase of optional service under Section 16-127 [40 ILCS 5/16-127].

4) If a member elects to receive a return of contributions under subsection (b) of this Section, he or she may not utilize the optional service removed from the member's service record by operation of this rule as a basis for receiving the 25% return of contributions for each year of service over 34 years provided in 40 ILCS 5/16-129.1.

54) No interest shall be payable upon the amount returned.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1650.415 Return of Optional Increase in Retirement Annuity Contributions

a) A member who has made contributions toward the optional increase in retirement annuity provided in 40 ILCS 5/16-129.1, and who determines such optional annuity increase is not in his or her best financial interest, may elect at retirement not to qualify for such increase in annuity and request a return of the member's optional increase in retirement annuity contributions from the System.

b) Upon such request, the member's optional increase in retirement annuity contributions will be returned to the member without interest.

(Source: Added at 24 Ill. Reg. _____, effective _____)

SUBPART H: ADMINISTRATIVE REVIEW

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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Section 1650.620 Right of Appeal

Any member, beneficiary, annuitant or employer may appeal a staff disposition of a claim or interpretation of the Act to the Board of Trustees within six months after the staff disposition or interpretation, by filing a written request for an administrative review with the Executive Director. The appeal will be scheduled to be heard at the next meeting of the Board's Claims Hearing Committee (Committee) having space on the agenda for such hearing. The Committee shall be composed of 3 members of the Board of Trustees, plus a designated alternate Trustee, all elected by the Board, and an attorney retained by the System to serve as the Committee's Presiding Hearing Officer. ~~The Committee shall be composed of three members of the Board elected by the Board to serve on the Committee. The Board shall select an alternate member from the Board to serve on the Committee in the absence of a member of the Committee. Any members membership of the Committee may be disqualified from hearing an appeal due to bias or conflict of interest in the appeal.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1650.630 Form of Written Request

A written request for an administrative review shall include the following information: ~~set forth~~ the name and address of the petitioner; the name and address of his or her authorized representative if applicable; a complete explanation of the factual and/or legal ~~brief statement of the facts forming~~ the basis for the request, including relevant documentation supporting the petitioner's position; ~~which must include any new or additional evidence and the relief sought by the petitioner.~~ ~~and a statement whether the petitioner wishes to appear at a hearing before the Claims Hearing Committee of the Board of Trustees. Such requests must be in writing and shall be granted.~~

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1650.635 Presiding Hearing Officer - Duties and Responsibilities

The Presiding Hearing Officer of the Claims Hearing Committee shall have the following powers and duties and shall perform the following functions during administrative review proceedings.

a) Pre-hearing:

1) The Presiding Hearing Officer shall monitor and supervise the pre-hearing proceedings to ensure that the Committee is presented with the information necessary to make an informed and legally supported decision on the matters being presented for administrative review.

2) The Presiding Hearing Officer shall facilitate cooperation between the petitioner and the System's Legal Counsel in the

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 3) The Presiding Hearing Officer shall ensure the timely exchange of preparation of issue and fact statements. Whenever appropriate, the Presiding Hearing Officer shall encourage the use of stipulated materials to enhance the efficiency of the proceedings.
- 4) The Presiding Hearing Officer shall ensure the timely exchange of exhibit, witness lists and testimony summaries.
- 5) The Presiding Hearing Officer shall rule on discovery requests, position statements and briefing schedules.
- 6) The Presiding Hearing Officer shall make any necessary and appropriate inquiries or requests of the parties in order to assure that the Committee has the requisite information to rule on the issues raised by the claim.
- 7) The Presiding Hearing Officer shall develop hearing procedures that assure that the hearing process remains focused on pertinent issues while providing a full and fair hearing for the petitioner and the System. Whenever appropriate, the Presiding Hearing Officer shall encourage the parties to submit the matter to the Committee on the written record.
- 8) When appropriate, the Presiding Hearing Officer shall facilitate settlement of the claim prior to hearing.
- b) Hearing: Presiding Hearing Officer shall preside at the administrative review hearing and shall assure that the proceedings remain focused on the issues to be decided by the Committee and that both the petitioner and the System are treated fairly and equally in the presentation of their respective positions.
 - 1) The Presiding Hearing Officer shall ensure that the agreed upon hearing format is followed.
 - 2) The Presiding Hearing Officer shall ensure that repetitious and irrelevant arguments and evidence are excluded.
 - 3) The Presiding Hearing Officer shall make necessary and appropriate legal or evidentiary rulings.

(Source: Added at 24 Ill. Reg. _____, effective _____)

Section 1650.640 Prehearing Procedure

- a) Upon written notice by the Presiding Hearing Officer, ~~System~~ the petitioner, or his or her attorney, and the legal Counsel for the System shall appear at a mutually agreeable time and place for a prehearing conference for the following purposes:
 - 1) The simplification of issues;
 - 2) The amendment of pleadings;
 - 3) The making of admissions of facts or stipulations for the purpose of avoiding the unnecessary introduction of evidence;
 - 4) Establishing the procedure at the hearing;

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- 5) The limitation of the number of witnesses;
- 6) The disclosure of all witnesses (expert and non-expert) to be called to testify at hearing;
- 7) Disclosure of the substance of the testimony of all witnesses to be called;
- 8) The exchange of all exhibits to be introduced at hearing; and
- 9) Establishing briefing schedules for the submission of position statements and accompanying documentation; and
- 10) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.
- b) To the extent that the parties are unable to agree or stipulate to matters at the pre-hearing conference, the Presiding Hearing Officer shall make the rulings and determinations necessary to assure that the hearing remain focused on relevant and material matters. ~~The persons attending the prehearing conference may enter into a written stipulation as to matters decided in the prehearing conference.~~ Failure to attend a prehearing conference or failure to adhere to rulings, schedules or agreements made at the pre-hearing conference may, in the discretion of the Presiding Hearing Officer, result in delay of the hearing or limitations on the presentation of certain positions or the use of certain evidence at the hearing. ~~shall not diminish a person's right to a hearing, but may result in a delay of the hearing.~~
 - c) If after the prehearing conference a party wishes to undertake further discovery, that party shall submit a written request to the Presiding Hearing Officer ~~Executive Director~~ and the other parties ~~party~~ setting forth with sufficient particularity the information sought and the form of discovery requested. The Presiding Hearing Officer ~~Executive Director~~ shall grant such request upon determining the information is essential to the requesting party's case and the ~~claims~~ Hearing Committee's full understanding of the issues presented. Any additional witnesses or exhibits identified during further discovery must be exchanged in writing by certified mail at least 14 days prior to hearing.
 - d) Any witnesses not disclosed or exhibits not exchanged at the prehearing conference or 14 days prior to hearing, if additional discovery is allowed, shall be barred at hearing unless good cause is shown for such failure to provide. At the discretion of the Presiding Hearing Officer, ~~Chairman of the Board of Claims-Hearing Committee~~ a hearing may be postponed in the interest of fairness to allow a party time to investigate and prepare to respond to newly submitted evidence.
 - e) The parties may agree to submit the matter for the Committee's decision solely on the written record.
 - f) If, in the judgment of the Presiding Hearing Officer, the petitioner has not diligently pursued his or her claim, the Presiding Hearing Officer may find the petitioner to be in default and dismiss the

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Section 1650.650 Hearing Procedure

- a) All administrative review hearings shall be recorded by a court reporter.
- b) The Presiding Hearing Officer ~~Chairperson~~ of the Claims Hearing Committee ~~(Committee)~~ shall preside over the hearing and shall assure that the proceedings are consistent with any agreements or rulings on issues, evidence, witnesses or hearing format established prior to the hearing.

- 1) All agreed to or stipulated issues, facts, documents or exhibits shall be considered as evidence in the proceeding.
- 2) Witnesses, exhibits, evidence, issues or legal arguments not disclosed prior to the hearing shall be barred unless good cause is shown for the failure to provide such information to the other party. At the discretion of the Presiding Hearing Officer, the hearing may be postponed in order to allow a party time to investigate and prepare to respond to the new information.
- c) The Presiding Hearing Officer shall make the necessary and appropriate procedural and evidentiary rulings to assure that the proceedings remain focused on the issues to be resolved by the Committee.
- d) The rules of evidence shall not be strictly applied; however, the Presiding Hearing Officer shall apply the rules of evidence to assure production of relevant and material evidence and shall further assure that testimony is subjected to such examination and cross-examination as is necessary for a full and fair disclosure of the facts.
- 1) Irrelevant or unduly repetitious evidence shall be excluded.
- 2) All individuals testifying at the hearing shall be sworn.
- 3) Originals of documents may be introduced into evidence with leave to substitute copies.

- e) ~~Hearings shall be of an informal nature:~~
 - 1) ~~the Chairperson shall direct all parties to enter their appearances on the record;~~
 - 2) ~~the parties may by written stipulation agree upon any facts or any issues involved in the proceeding;~~
 - 3) ~~the facts stipulated shall be considered as evidence in the proceeding;~~
 - 4) ~~irrelevant material or unduly repetitious evidence shall be excluded;~~
 - 5) ~~whenever possible documents and exhibits may be introduced by stipulation of the parties; Originals of documents may be introduced into evidence with leave to substitute the originals with copies;~~
 - 6) ~~All parties shall be offered an opportunity to make oral arguments;~~
 - 7) ~~All individuals testifying shall be sworn;~~
- gd) Order of Presentation
 - 1) All written briefs, memoranda and evidence shall be submitted to the Committee in advance of the hearing;

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petitioner's claim. Prior to dismissing a claim, however, the Presiding Hearing Officer shall provide the petitioner with an opportunity to show cause why the claim should not be dismissed. A dismissed claim may be re-filed within 6 months after the date of its dismissal, but shall be barred thereafter. A claim may not be re-filed after a second dismissal.

- e) Prior to any meeting of the Claims Hearing Committee at which one or more administrative reviews are scheduled to be heard, the Claims Hearing Committee shall be furnished memoranda prepared by the System's staff regarding the scheduled administrative review cases which shall include:
 - 1) A statement regarding the action taken by the staff which gave rise to the review;
 - 2) A statement of the petitioner's objections, if available;
 - 3) The basis or reasons for the action taken by the staff;
 - 4) A statement of the results or consequences of an affirmative or opposing decision;
 - 5) Supporting documentary evidence; and
 - 6) Citations to the applicable statute giving rise to the claim or justifying the staff's decision.

(Source: Amended at 24 Ill. Reg. _____, effective _____)

Section 1650.641 Claims Hearing Committee Hearing Packet

- a) A hearing packet shall be submitted to the members of the Committee prior to the hearing on the claim, or alternatively, prior to submission of the matter for decision based solely upon the record. The hearing packet shall contain:
 - 1) An agreed statement of issues, and if not agreed, the proposed issues statement of each party.
 - 2) An agreed statement of facts, and if not agreed, the proposed statement of facts of each party.
 - 3) The position statements of the parties, including the legal arguments being made and all applicable statutory, regulatory and case law in support of those arguments, and an analysis of all relevant documentary evidence and testimony to be given in support of each party's respective positions.
 - 4) Witness affidavits, if any.
 - 5) All exhibits to be presented at hearing.

- b) The System's statement may also include an analysis of the results or consequences of a decision affirming or overturning the original staff disposition of the matter.

(Source: Added at 24 Ill. Reg. _____, effective _____)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 2) The System's legal Counsel attorney shall present the System's position and evidence in support of that position thereof.
- 3) The petitioner or his or her agent or attorney may then cross-examine any System System's staff testifying in support of the System's position.
- 4) Following the conclusion of the System's presentation of its position and cross-examination by the petitioner, the petitioner may present his or her witnesses and arguments.
- 5) Upon conclusion of the petitioner's presentation of his position, argument, the System's legal Counsel attorney may cross-examine any of the petitioner's witnesses of rebut any argument or new matter raised by the petitioner's presentation.
- 6) New matters raised at the hearing may require postponement of the hearing until a later date to allow the parties to address the new issues raised.
- 37) Following the presentations of both the System System's staff or System attorney and the petitioner, any member of the Committee may ask questions necessary to clarify the Committee's understanding of all arguments, the Committee shall decide, in private executive-session deliberations, on a recommendation as to the disposition of the appeal, which recommendation shall be communicated to the Board at its next regular meeting. The Executive Director of the System may be present during the Committee's deliberations.
- 38) The Committee shall arrive at one of three decisions regarding a recommendation to the Board:

- 1) A recommendation to affirm the administrative action.
- 2) A recommendation to reverse the administrative action.
- 3) A recommendation to remand the proceedings back to the administrative staff for further consideration.

4) The Committee shall direct that proposed Findings of Fact and Conclusions of Law reflecting the Committee's decision be prepared and have prepared a Proposed Decision for consideration by the Board and the Parties to the hearing.

5) Any party adversely affected by the Committee's proposed Findings of Fact and Conclusions of Law Proposed Decision shall have fifteen (15) days from receipt of the proposed Findings of Fact and Conclusions of Law Proposed Decision to file with the Board exceptions and a brief in support of their exceptions.

6) At its next regular meeting following the time for filing exceptions, the Board of Trustees shall act on the proposed decision of the Committee by either:

- 1) Adopting the Findings of Fact and Conclusions of Law made by the Committee; or
- 2) Rejecting, in whole or in part, the Findings of Fact and Conclusions of Law made by the Committee and directing that:

A) Revised Findings of Fact and Conclusions of Law be prepared to reflect the Board's decision; or

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- B) The matter be remanded to the Committee for further consideration; or
- C) The matter be remanded to the System staff for further consideration.

k) The decision of the Board of Trustees shall be a final administrative decision for purposes of the Illinois Administrative Review Law (735 ILCS 5/Art. III).

4) The Board of Trustees at its next regular meeting following the time for filing exceptions shall act on the recommendation and proposed decision of the Committee by adopting the recommendation or rejecting it with directions that the administrative action of the staff be affirmed or reversed as the case may be; or that the proceedings be remanded to the staff for further consideration and by rejecting or adopting the Proposed Decision with any changes required by the Board; or the decision of the Board of Trustees shall be a final administrative decision for purposes of the Illinois Administrative Review Law (735 ILCS 5).
17) The decision of the Board of Trustees shall be communicated to the petitioner in writing within 30 days after of the meeting at which the recommendation of the Committee was and Proposed Decision were acted upon.

18) The Board of Trustees may shall grant a re-hearing rehearing or further written appeal repeat for the purpose of considering new or additional evidence not previously available. The procedures set forth in this Section shall apply to such proceedings hearings.

(Source: Amended at 24 Ill. Reg. _____, effective _____.)

Section 1650.660 Rules of Evidence (Repealed)

Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart but the Chairperson shall apply rules of evidence designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be necessary for a full and true disclosure of the facts.

(Source: Repealed at 24 Ill. Reg. _____, effective _____.)

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Disadvantaged Business Enterprises

2) Code Citation: 92 Ill. Adm. Code 10

3) Section Numbers: Proposed Action:
10-10 Repeal
10-20 Repeal
10-30 Repeal
10-40 Repeal
10-50 Repeal
10-60 Repeal
10-70 Repeal
10-80 Repeal
10-90 Repeal

4) Statutory Authority: Implementing and authorized by Section 5 of the Illinois Purchasing Act [30 ILCS 505/5] and by Sections 3-101, 3-103, and 4-201.1 of the Illinois Highway Code [605 ILCS 5/3-101, 3-103, and 4-201.1].

5) A. Complete Description of the Subjects and Issues Involved: By this Notice the Department is proposing to repeal Part 10, because certification decisions are now made based upon the more comprehensive standards and procedures contained in 49 CFR 26, subpart D. 49 CFR 26 was newly created at 64 Fed. Reg. 5126, February 2, 1999. Part 10 was founded upon 49 CFR 23 and addressed procedures associated with certification under that regulation. However, 49 CFR 23 has been totally replaced by 49 CFR 26. Certification decisions are now being made under 49 CFR 26, subpart D without need of augmentation by a state rule. Therefore, this Part is being repealed.

6) Will this proposed rulemaking replace an emergency repealer currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? Yes

9) Are there any other proposed repealers pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no impact on units of local government. The procedures under 49 CFR 26, subpart D have essentially the same effect as Part 10 used to have.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

DEPARTMENT OF TRANSPORTATION
NOTICE OF PROPOSED REPEALER

By U.S. Mail:

Ms. Ana Cecilia Velasco
Bureau Chief
Illinois Department of Transportation
Bureau of Small Business Enterprises
2300 South Dirksen Parkway
Springfield, Illinois 62794-9212
(217) 785-5947

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
2300 South Dirksen Parkway
Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis: This rulemaking will have no impact on small businesses. The procedures under 49 CFR 26, subpart C have essentially the same effect as Part 10 used to have.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the need for it only recently became apparent to Department personnel.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER a: GENERAL

PART 10

DISADVANTAGED BUSINESS ENTERPRISES (REPEALED)

- | | |
|---------|---|
| Section | Purpose |
| 10.10 | Incorporation By Reference of Federal Regulations |
| 10.20 | Definitions |
| 10.30 | Eligibility Standards |
| 10.40 | Certification |
| 10.50 | Recertification |
| 10.60 | Decertification |
| 10.70 | Challenge |
| 10.80 | Public Meetings |
- AUTHORITY: Implementing and authorized by Section 5 of the Illinois Purchasing Act [30 ILCS 505/5] and by Sections 3-101, 3-103, and 4-201.1 of the Illinois Highway Code [605 ILCS 5/3-101, 3-103, and 4-201.1].

SOURCE: Adopted at 11 Ill. Reg. 13645, effective August 3, 1987; amended at 12 Ill. Reg. 9717, effective May 24, 1988; amended at 13 Ill. Reg. 3962, effective March 14, 1989; emergency amendment at 16 Ill. Reg. 16407, effective October 9, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 17239, effective September 24, 1993; amended at 20 Ill. Reg. 1461 effective September 6, 1996; repealed at 24 Ill. Reg. _____, effective _____.

Section 10.10 Purpose

- a) The purpose of this Part is to carry out the United States Department of Transportation's policy of supporting the fullest possible participation of firms owned and controlled by disadvantaged individuals in the performance of contracts financed in whole or in part with federal funds.
- b) The purpose of this Part is also to establish:
 - 1) the procedures governing the administrative actions taken by the Department to certify, recertify or decertify firms desiring to participate as disadvantaged businesses in Department contracts; and
 - 2) the challenge procedures applicable to the social and economic disadvantage of firms desiring to participate.

Section 10.20 Incorporation By Reference of Federal Regulations

Whenever this Part refers to 49 CFR 23 and that reference incorporates the federal regulations by reference, the federal regulation incorporated shall be

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that which was effective as of October 1, 1992, not including any later amendments or editions. Copies of the appropriate federal regulations are available from the Certification Section of the Bureau of Small Business Enterprises.

Section 10.30 Definitions

As used in this Part:

"Applicant" means a concern that submits an application for certification or recertification as a Disadvantaged Business Enterprise (DBE).

"Bureau" means the Bureau of Small Business Enterprises of the Illinois Department of Transportation.

"Bureau Chief" means the Department's Bureau Chief of the Bureau of Small Business Enterprises or his designee.

"Certification Manager" means the Manager of the Certification Section of the Bureau of Small Business Enterprises of the Illinois Department of Transportation or designee.

"Certification Review Committee" means the Illinois Department of Transportation's Committee on Disadvantaged Business Certification. The Bureau Chief, ex officio, is clerk of the Certification Review Committee. Other members include: the Director of the Office of Finance and Administration or designee, the Director of Highways or designee, the Director of the Office of Planning and Programming or designee, the Director of the Division of Aeronautics or designee, a District Engineer or designee and the Manager, Certification Section, Bureau of Small Business Enterprises.

"Certification Section" means the section within the Bureau responsible for certification matters.

"Concern" means any business entity organized for profit and includes an individual sole proprietor, partnership without limited partners, corporation or professional association.

"Contract" shall have the meaning defined in 49 CFR 23 which is incorporated by reference at Section 10.20.

"Contractor" shall have the meaning defined in 49 CFR 23 which is incorporated by reference at Section 10.20.

"Department" means the Illinois Department of Transportation.

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"Disadvantaged business" or "DBE" shall have the meaning defined in 49 CFR 23 which is incorporated by reference at Section 10.20.

"Joint venture" shall have the meaning defined in 49 CFR 23 which is incorporated by reference at Section 10.20.

"On-site visit" means the observation of the applicant in his/her normal surroundings by such means as visual observation, the posing of verbal questions, and an ascertainment of the general pattern of operations of the applicant's concern.

"Program" means a Disadvantaged Business Enterprise Program adopted pursuant to 49 CFR 23 which is incorporated by reference at Section 10.20.

"Secretary" means the Secretary of the Illinois Department of Transportation or designee.

"Small business concern" shall have the meaning defined in 49 CFR : 3 which is incorporated by reference at Section 10.20.

"Socially and economically disadvantaged individuals" shall have the meaning defined in 49 CFR 23 which is incorporated by reference at Section 10.20.

"USDOT departmental element" shall have the meaning defined as "departmental element" in 49 CFR 23 which is incorporated by reference at Section 10.20.

Section 10.40 Eligibility Standards

- a) Only concerns and joint ventures certified by the Department are eligible to participate in the Department's DBE program.
- b) Only concerns and joint ventures certified by the Department as disadvantaged are eligible to be counted toward the goals established in contracts let by the Department.
- c) To ensure that this Part benefits only qualified applicants, the eligibility standards of 49 CFR 23 shall be used by the Department to determine whether an applicant is owned and controlled by one or more socially and economically disadvantaged individuals. The determination of eligibility for certification or recertification shall be governed by the eligibility standards. An applicant for certification or recertification shall prove that it satisfies the eligibility standards. For example, an individual applying for certification is required to submit documentation verifying ethnicity, including but not limited to, a passport, a birth certificate, tribal certificate, Bureau of Indian Affairs card, and Armed Services Discharge Papers. An applicant for certification in accordance with

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either Section 10.50(h)(1), 10.60(k)(1) or 10.70(f)(1), in addition to proving that it satisfies all eligibility standards, shall prove that it has corrected all deficiencies listed in the Notice of Denial or Decertification. These standards of eligibility must be met before an applicant can be certified. If a firm fails to meet one of the eligibility standards, no further consideration need be given to the application, and the certification shall be denied.

d) An applicant shall be certified or recertified as a DBE, in accordance with the procedures set forth in Sections 10.50 and 10.60, if the applicant meets the definition of a DBE as determined by the eligibility standards.

e) An applicant whose principal place of business is located in a state other than Illinois shall be certified by that state in accordance with its program prior to certification by the Department.

f) An applicant shall possess all necessary, valid licenses and operating authority to do business in this State prior to certification by the Department.

g) In accordance with the eligibility standards set forth in 49 CFR 23, the Department shall give consideration to the following circumstances in determining eligibility in this Part:

- 1) Applicants which are newly formed or whose ownership or control has changed within two years prior to the application for certification shall be examined to determine if the firm meets the criteria for an independent business and that the ownership is not merely pro forma.

- 2) A previous or continuing employer-employee relationship between or among present owners of an applicant shall be examined to ensure that the eligible owner has the management responsibility, control and capability provided for in the eligibility standards.
- 3) Any relationship between an applicant and a business, concern, firm or individual which is not eligible for certification shall be examined to determine if the relationship conflicts with the ownership and control requirements of the eligibility standards. Such relationships include but are not limited to the following:

- A) shared employees;
- B) shared or leased equipment;
- C) shared or leased office space;
- D) shared or leased storage space or equipment storage yards;
- E) financial investment, loans or assistance;
- F) interlocking management; and
- G) management or technical services.

- 4) Applicants which are not operational shall not be eligible for certification pursuant to this Part. In order to be considered operational, a concern shall be established in business and shall demonstrate the actual performance, control, management and supervision of work in the categories of work for which certification is sought or the ability and the expertise to perform, control, manage and supervise the work in the categories

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r work for which certification is sought. In order to demonstrate the above described elements, an applicant without past experience may offer such evidence as: prior ownership of a business, prior work experience in the work categories sought, or prior work experience in related work categories.

Section 10-10 Certification

Any applicant which desires certification as a DBE under this Part shall file with the Certification Section of the Bureau of Small Business Enterprises a Certification Application in a form approved by the appropriate USDOT departmental element, together with all supporting information, including but not limited to, assumed name certificates, partnership agreements, corporate bylaws and signed loan agreements, which are required by the Certification Application and 49 CFR 23, incorporated by reference herein. Applicants which desire certification as a joint venture under this Part shall file with the Certification Section of the Bureau, in addition to the Certification Application, the Joint Venture Certification Application in a form approved by the appropriate USDOT departmental element, together with all supporting information, including but not limited to, capital contribution schedules, profit/loss allocation between the ventures, work resumes and separate individual capital accounts, which are required by the Joint Venture Certification Application and 49 CFR 23 incorporated by reference herein. The applications may be obtained from the Bureau. All portions of the appropriate applications shall be completed, and all required attachments must be submitted before a determination of eligibility will be made.

f) The Certification Section shall date and time-stamp the application when received. The Certification Section will ensure that all portions of the application have been completed or marked not applicable and that all required attachments have been submitted. The applicant will be requested to supply missing information or attachments.

g) When the Certification Section verifies that the application is complete, an audit will be conducted on the eligibility of the applicant.

1) The applicant may be requested to supply additional information or documentation to verify the contents of the application or to aid in the eligibility determination. Examples of such information and documentation include but are not limited to the following:

- A) evidence of equity contribution, such as personal bank account statement, loan documents and/or copy of equity contribution check,
- B) evidence of required license/or operating authority to transact business in the State of Illinois,
- C) bank signature card.

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- D) bank resolution,
 - E) income tax records, and
 - F) evidence of stock transfer(s).
- 2) The applicant shall supply additional information or documentation which is requested in order to make an eligibility determination. An applicant which does not supply such additional information or documentation shall not be certified.
- d) The audit shall include an on-site visit to the offices of the applicant and to any job sites on which the applicant is working at the time of the audit. The audit shall further include a personal interview with the principal owners of the firm.

e) A decision regarding certification of the applicant shall be based upon the application and record assembled by the Certification Section. Applicants shall not be certified unless the record establishes that the applicant meets the eligibility standards set forth in Section 10.40 of this Part. Applicants shall have the burden of establishing compliance with the eligibility standards.

f) A letter of approval and certificate shall be mailed by the Bureau Chief to applicants granted certification. The Certificate of DBE Certification is effective for a period of one year from the date of the approval letter. Joint venture certification is effective for specific contracts only. Certificates shall remain the property of the Department.

g) A Notice of Denial, which contains a statement of the reasons why the applicant has not been certified and the provision(s) of the eligibility standards which support the denial, shall be mailed by the Bureau Chief to applicants denied certification. Service shall be by certified mail, return receipt requested. Except as provided in 49 CFR 23, the denial of certification shall be final for all contracts being let at the time of the denial. Applicants denied certification may:

- 1) Correct deficiencies listed in the Notice of Denial and reapply for certification after the passage of one hundred and eighty calendar days from receipt of the Notice of Denial by filing a Certification Application; or
- 2) File an appeal in writing, signed and dated, with the United States Department of Transportation within one hundred and eighty calendar days from the date of the Department's Notice of Denial.

h) The Bureau shall maintain a DBE Directory of certified concerns. A joint venture certified for a particular contract will not be listed in the Directory.

i) Once certified, a concern is eligible to be counted toward the applicable DBE goals established in contracts let or administered by the Department. Certification does not guarantee any contract or subcontract. As a condition of certification, a concern will be required to assure on all contracts or subcontracts, for which the concern will be counted toward a goal, that it will perform a commercially useful function in the work of the contract. The concern

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is considered to perform a commercially useful function when it is responsible for a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing and supervising the work involved. Failure to perform a commercially useful function is a violation of the eligibility standards.

- j) At any time there is a change in the ownership or control of a certified DBE the certification lapses and the concern shall be deleted from the DBE Directory. A certified DBE which has changed its ownership or control shall notify the Certification Section of the Bureau without delay and shall surrender its Certificate. The concern which has surrendered its Certificate may file a new Certification Application.

Section 10-60 Recertification

- a) Once certified, any concern for which there has been no change in ownership or control and which desires to remain certified as a DBE under this Part shall annually file with the Certification Section of the Bureau a Recertification Application. A Recertification Application is a form approved by the Bureau and must be submitted to the Bureau together with the information required by the application and 49 CFR 23, incorporated by reference herein. The application may be obtained from the Bureau. All portions of the application shall be completed, and all required attachments, including but not limited to, current financial statements, copies of current shareholder meeting minutes and work resumes must be submitted before a determination of eligibility for recertification can be made. Joint ventures shall not be recertified. The certification of a concern which does not file a Recertification Application prior to the expiration of its period of certification will lapse and the concern will be deleted from the DBE Directory. The Department shall allow a five business day period of grace after the expiration during which time a Recertification Application will be accepted. The certification of a DBE that has timely filed a Recertification Application shall continue pending the consideration of the renewal.
- c) The Certification Section shall date and time-stamp the application when received. The Certification Section will ensure that all portions of the application have been completed or marked not applicable and that all required attachments have been submitted. The applicant will be requested to supply missing information or attachments.
- d) When the Certification Section verifies that the Recertification Application is complete, an audit will be conducted on the eligibility of the applicant.

- 1) The applicant may be requested to supply additional information or documentation (see Section 10.50(c)(1)) to verify the contents of the application or to aid in the eligibility determination.
- 2) The applicant shall supply additional information or

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documentation which is requested to make an eligibility determination. An applicant which does not supply such additional information or documentation shall not be recertified. e) The audit shall include an on-site visit to the applicant when questions remain unanswered after the audit and cannot be resolved by written correspondence or telephone contact.

- f) A decision regarding recertification of the applicant shall be based upon the application and record assembled by the Certification Section. Applicants shall not be recertified unless the record establishes that the applicant meets the eligibility standards of Section 10.40 or that no changes have occurred since the applicant's last certification or recertification. Applicants shall have the burden of establishing compliance with the eligibility standards.
- g) A letter of approval and certificate shall be mailed by the Bureau Chief to applicants granted recertification. DBE recertification is effective one year from the date of the approval letter. Certificates shall remain the property of the Department.

- h) A Notice of Denial, which contains a statement of the reasons why the applicant has not been recertified and the provision(s) of the eligibility standards which support the denial, shall be mailed by the Bureau Chief to applicants denied recertification. Service shall be by certified mail, return receipt requested. The denial of recertification shall be final for all contracts being let at the time of the denial unless the applicant files a request for Review by the Certification Review Committee.

- i) An applicant denied recertification may file a written Request for Review by the Certification Review Committee within twenty business days of receipt of the Bureau Chief's Notice of Denial. The Request for Review shall be filed with the Bureau Chief. If the applicant does not file a Request for Review within twenty business days of receipt of the Notice of Denial, then the applicant shall be deemed to have waived its opportunity to file a Request for Review. The filing of the Request shall stay the effect of the Notice of Denial pending determination of the review.

- 1) The Request for Review shall detail the assailed findings, indicate the error(s) made in the application of the eligibility standards and shall be confined to factual and legal issues essential to the ultimate and just determination of the review. The Request shall not exceed ten pages in length, excluding a separate preface and summary of the argument which shall not exceed one page. A reply to the Request shall be filed by the Bureau Chief within ten business days of receipt of the Request and shall be restricted to the same requirements as to length and format.

- 2) The decision of the Certification Review Committee shall be made on the application record assembled by the Certification Section, the Notice of Denial, the Request for Review and the reply. No new or additional documentation or information shall be

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considered by the Certification Review Committee without a showing by the party presenting such documentation or information that it was not available or, through due diligence, could not have been made available. When there is insufficient information to render a decision and/or clarify information submitted in the Request for Review, the Certification Review Committee may request the applicant and the Bureau Chief to make oral presentations addressing the issues in the Request for Review at the meeting scheduled to consider the review.

If the Certification Review Committee does not agree with the decision to deny recertification and believes the eligibility standards contained in 49 CFR 23 have been met, the denial of recertification will be reversed. The file shall be returned to the Bureau Chief with directions to recertify the applicant in accordance with Section 10.60(h).

3) If the Certification Review Committee affirms the denial of recertification, then the decision of the Certification Review Committee affirming the Notice of Denial shall be mailed to the applicant within ten business days. Service shall be by certified mail, return receipt requested.

3) Except as provided in 49 CFR 23, the denial of recertification shall be final for all contracts being let at the time of the denial. Applicants denied recertification may do either one of the following:

- 1) Correct deficiencies listed in the Notice of Denial and reapply for certification after the passage of one hundred and eighty calendar days from the date of the Certification Review Committee decision by filing a Certification Application; or

- 2) File an appeal in writing, signed and dated, with the United States Department of Transportation within one hundred and eighty calendar days from the date of the Certification Review Committee decision.

k) At any time there is a change in the ownership or control of a certified DBE the certification lapses and the applicant shall be deleted from the DBE Directory. A certified DBE which has changed its ownership or control shall notify the Certification Section of the Bureau without delay and shall surrender its Certificate. The concern which has surrendered its certificate may file a new Certification Application.

Section 10.70 Decertification

a) if, as a result of random monitoring, on-site reviews, complaints and/or contact with Department personnel, the Certification Manager obtains any information evidencing that:

- 1) a certified DBE or Joint venture does not meet the eligibility standards; and
- 2) a false statement was made in a Certification Application or

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Recertification Application:

3) a certified DBE or joint venture's size, organization, ownership or control has changed, resulting in a violation of the eligibility standards;

4) a certified DBE or joint venture has gone out of business; or

5) the certified DBE or joint venture is engaging in any activity prohibited by this Part or by 49 CFR 23;

the Certification Manager shall begin the decertification process.

b) Any certified DBE or joint venture which the Certification Manager proposes to decertify, pursuant to this Part, shall be examined in the same manner as an applicant for certification in accordance with the standards set forth in Section 10.50 of this Part. The Certification Manager shall notify the certified concern of his/her intention to examine the certification and the reasons therefor.

c) The concern so notified shall supply all requested information to the Certification Section. Any concern which does not supply such additional information or documentation as requested shall be decertified.

d) If the recommendation is not to decertify, then the DBE shall be notified that based upon the information obtained through the investigation, it will not be decertified. If the decision is to decertify, then a Notice of Decertification shall be sent to the DBE by certified mail, return receipt requested. The Notice mailed by the Bureau Chief shall include:

- 1) a statement of the reasons for decertification;
- 2) the provisions of 49 CFR 23 and this Part which support decertification; and
- 3) a statement that the Notice of Decertification is final unless a review is requested.

e) A DBE who receives a Notice of Decertification may file a written Request for Review by the Certification Review Committee within twenty business days of receipt of the Notice of Decertification. The Request for Review shall be filed with the Bureau Chief. If the DBE does not file a Request for Review within twenty business days of receipt of the Notice of Decertification, then the DBE shall be deemed to have waived its opportunity to file a Request for Review. The filing of the Request shall stay the effect of the Notice of Decertification pending determination of the review.

1) The Request for Review shall detail the assailed findings, indicate the error(s) made in the application of the standards listed under Section 10.70(a) and shall be confined to factual and legal issues essential to the ultimate and just determination of the review. The Request shall not exceed ten pages in length, excluding a separate preface and summary of the argument. The Request shall not exceed page A. A reply to the Request shall be filed by the Bureau Chief within ten business days of receipt of the Request and shall be restricted to the same requirements as to length and format.

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2) The decision of the Certification Review Committee shall be made on the application record, the Notice of Certification, the Request for Review and the reply. No new or additional documentation or information shall be considered by the Certification Review Committee without a showing by the party presenting such documentation or information that it was not available or, through due diligence, could not have been made available. When there is insufficient information to render a decision and/or clarify information submitted in the Request for Review, the Certification Review Committee may request the applicant or the Bureau Chief to make oral presentations addressing the issues in the Request for Review at the meeting scheduled for the review.

3) If the Certification Review Committee does not agree to decertify and believes the eligibility standards contained in 49 CFR 23 have been met, the recommendation for decertification will be reversed. The file shall be returned to the Bureau Chief with directions not to decertify the DBE in accordance with Section 10.70(d)(1).

4) If the Certification Review Committee affirms the decision to decertify, then the decision of the Certification Review Committee affirming the Notice of Certification shall be mailed to the DBE. Service shall be by certified mail, return receipt requested.

5) Once the Certification Review Committee has made a final decision to decertify, that determination goes into effect immediately with respect to program participation, and the concern shall be removed from the DBE Directory. Except as provided in 49 CFR 23, the decertification by the Certification Review Committee shall be final.

f) Any concern believing that it has wrongly been decertified as a disadvantaged business or joint venture by the Department may do either one of the following:

- 1) Correct deficiencies listed in the Notice of Decertification and reapply for certification after the passage of one hundred and eighty calendar days from the date of the Certification Review Committee decision by filing a Certification Application; or
- 2) File an appeal in writing, signed and dated, with the United States Department of Transportation within one hundred and eighty calendar days after the date of the final Certification Review Committee decision.

Section 10.80 Challenge

a) Any third party may challenge the socially and economically disadvantaged status of any individual presumed to be socially and economically disadvantaged pursuant to 49 CFR 23, provided that the challenged individual is an owner of a concern certified by or seeking

certification from the Department as a DBE. Only a signed, written challenge which includes all information available to the challenging party shall be accepted by the Bureau Chief. An individual who has a current certification pursuant to Section 8(a) of the Small Business Act (15 U.S.C. 687(a)) may not be challenged. During the pendency of a challenge, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect.

b) The Bureau Chief shall evaluate the information provided by the challenging party to determine whether the challenged party is in fact not socially and economically disadvantaged in accordance with 49 CFR 23.

1) Should the Bureau Chief determine the information presented is insufficient to substantiate that the challenged party is not socially and economically disadvantaged, the Bureau Chief shall so inform the challenging party in writing. This decision is final and terminates the proceeding.

2) Should the Bureau Chief determine the information presented is sufficient to substantiate that the challenged party is not socially and economically disadvantaged, the Bureau Chief shall begin a proceeding as herein provided.

A) The Bureau Chief shall serve the challenged party with a written Notice of Challenge. Service shall be by certified mail, return receipt requested. The Notice shall include:

- i) a statement that the status of a socially and economically disadvantaged individual has been challenged;

ii) Identification of the challenging party;

iii) A summary of the grounds for the challenge;

iv) Identification of all information or documents submitted in support of the challenge;

v) A statement that the challenged party shall have fifteen business days after receipt within which to respond to the challenge providing the Bureau Chief with information sufficient to permit evaluation of the socially and economically disadvantaged status of the individual. Failure to provide the requested information within the specified time shall result in decertification or a denial of certification or recertification.

B) The Bureau Chief shall evaluate the available information in accordance with the socially and economically disadvantaged standards referenced in Section 10.30 of this Part and make a proposed determination of whether the challenged party meets the standards.

C) The Bureau Chief shall notify both parties of this proposed determination in writing, setting forth the reasons for the proposal. The Bureau Chief shall provide an opportunity to the parties for a meeting at which the parties shall have

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the opportunity to respond to this proposed determination in writing and in person. If the request for a meeting is not filed within twenty business days of receipt of the proposed determination, the Bureau Chief shall make a final determination based on the available information.

Upon receipt by the Bureau Chief of the written request for a meeting, the Bureau Chief shall schedule a meeting within forty-five days of receipt of the request for a meeting. The meeting shall be informal and no rules of evidence shall apply. There shall be no presentation of witnesses and no cross-examination. The Bureau Chief shall give the challenged and challenging parties twenty business days notice of the meeting date.

The Bureau Chief shall inform the parties in writing of the final determination, setting forth the reasons for the decision.

f) A party which is challenged and found not to be socially and economically disadvantaged under this Section may file a Request for Review by the Certification Review Committee within ten business days of receipt of the decision of the Bureau Chief. The Request for Review shall be filed with the Bureau Chief. If the party does not file a Request for Review within twenty business days of receipt of the decision of the Bureau Chief, then the party shall be deemed to have waived its opportunity to file a Request for Review. The filing of the Request shall stay the effect of the notification that the challenged party is not socially and economically disadvantaged pending determination of the review.

i) The Request for Review shall detail the assailed findings, indicate the error(s) made in the application of 49 CFR 23 and shall be confined to factual and legal issues essential to the ultimate and just determination of the review. The Request shall not exceed ten pages in length, excluding a separate preface and summary of the argument which shall not exceed one page. A reply to the Request shall be filed by the Bureau Chief within ten business days of receipt of the Request and shall be restricted to the same requirements as to length and format.

ii) The decision of the Certification Review Committee shall be made on the record of the challenge. No new or additional documentation or information shall be considered by the Certification Review Committee without a showing by the party presenting such documentation or information that it was not available or, through due diligence, could not have been made available. When there is insufficient information to

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render a decision and/or clarify information submitted in the Request for Review, the Certification Review Committee may request the applicant and the Bureau Chief to make oral presentations addressing the issues in the Request for Review at the meeting scheduled to consider the review.

iii) If the Certification Review Committee believes the information reviewed is sufficient to reverse the decision of the Bureau Chief, then the file shall be returned to the Bureau Chief with directions to allow the party's socially and economically disadvantaged status to stand.

iv) If the Certification Review Committee believes the information reviewed is sufficient to affirm the decision that the challenged party is not socially and economically disadvantaged, then the decision of the Certification Review Committee affirming the final determination shall be mailed to the challenged party. Service shall be by certified mail, return receipt requested.

G) Once the Certification Review Committee has made a final decision on a challenged matter, that determination goes into effect immediately with respect to the Department's contracts. Except as provided in 49 CFR 23, the decision by the Certification Review Committee shall be final for all contracts being let at the time of the final determination.

H) The party adversely affected by the final determination of the Certification Review Committee may file an appeal in writing, signed and dated, with the United States Department of Transportation within one hundred and eighty calendar days after the date of the final determination.

Section 10.90 Public Meetings

All meetings of the Certification Review Committee shall be conducted in accordance with the provisions of the Open Meetings Act (Ill. Rev. Stat. 1991, ch. 102, pars. 41 et seq.) [5 ICS 1201]. The Certification Review Committee shall not conduct regularly scheduled meetings but shall schedule a special meeting within 60 days after the filing of a Request for Review.

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

- 1) **Heading of the Part:** Charitable Trust Act
- 2) **Code Citation:** 14 Ill. Adm. Code 480
- 3) **Section Numbers:** Adopted Action:
 480.10 Amend
 480.30 Amend
 480.40 Amend
 480.50 Amend
 480.60 Amend
 EXHIBIT A New
 EXHIBIT B New
 EXHIBIT C New
- 4) **Statutory Authority:** 760 ILCS 55/9
- 5) **Effective Date of Amendments:** September 21, 2000
- 6) **Does this rulemaking contain an automatic repeal date?** No
- 7) **Do these amendments contain incorporations by reference?** No
- 8) **A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office in Chicago (12th Floor, James K. Thompson Center) and is available for public inspection.**
- 9) **Notice of Proposal Published in Illinois Register:** April 7, 2000, 24 Ill. Reg. 5782
- 10) **Has JCAR issued a Statement of Objection to these amendments?** No
- 11) **Differences between proposal and final version:**
 For public comments, withdrew all proposed changes made to Section 480.20, Definitions, as they will be considered by the Attorney General's Charitable Advisory Council and revisited at a later time.
 Deleted proposed Section 480.30(c) and reinstated Section 480.30(i), keeping the 30 day period for reporting changes.
 Reinstated Section 480.30(e) and (f), keeping the rules for confidential filings.
 Rearranged the numbering of subsections in Section 480.30.
 Deleted the word "statement" in Section 480.30(g) at the end of the first sentence, that, due to a clerical error, was shown twice.

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

- Changed "may" to "shall" in Section 480.50(e) allowing a 60-day extension in filing the annual financial report.
- 12) **Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR?** Yes
- 13) **Will these amendments replace emergency amendments currently in effect?**
 No
- 14) **Are there any amendments pending on this Part?** No
- 15) **Summary and Purpose of Amendments:** The primary purpose of this rulemaking is to make the rules consistent with recent changes in the Charitable Trust Act. The subject matter includes such things as: registration and annual report filing and late fees, reregistration fees, simplified annual financial statement for small organizations (under \$25,000 in revenue and assets), and procedures to allow the Attorney General's annual report filings to coincide with IRS filing dates if additional extensions were granted by the IRS. In addition, there is clarification of Section 480.60 and updating of the names of the Registrar and of the administering bureau in Section 480.10. Forms used to implement the Part have been included in the rules as Exhibits A, B and C.
- 16) **Information and questions regarding these adopted amendments shall be directed to:**
 Floyd Perkins
 Office of the Attorney General
 100 West Randolph Street - 3rd Floor
 Chicago, Illinois 60601
 (312)814-2595

The full text of the adopted amendments begins on the next page:

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: CONSUMER
 SUBTITLE B: CONSUMER PROTECTION
 CHAPTER 11: ATTORNEY GENERAL

PART 480

CHARITABLE TRUST ACT

Section
 480.10 General
 480.20 Definitions
 480.30 Registration
 480.40 Organizations and Activities Exempt from Registration
 480.50 Annual Reports
 480.60 Public Records

EXHIBIT A Registration Statement and Instructions
 EXHIBIT B Financial Information Form
 EXHIBIT C Annual Report and Instructions

AUTHORITY: Implementing and authorized by the Charitable Trust Act [760 ILCS 55].

SOURCE: Adopted and effective November 5, 1975; amended at 2 Ill. Reg. 37, P. 185, effective September 30, 1978; amended at 2 Ill. Reg. 45, P. 166, effective November 30, 1978; codified at 7 Ill. Reg. 880; amended at 24 Ill. Reg. 1465, effective SEP 21 2000.

Section 480.10 General

- a) The Charitable Trusts Bureau of the Attorney General's Chicago Office ~~Springfield office of the Division of Charitable Trusts and Solicitors (hereafter Bureau Division)~~ will maintain the principal register of charitable trusts registered under the Illinois Charitable Trust Act.
- b) The register of charitable trusts will consist of records, such as index or computer cards, organization or trust file folders, a list, a computer printout or a combination thereof.
- c) ~~The Chicago office of the Division will supervise and also maintain a register of charitable trusts registered in the counties of Cook, DuSable, Madison and Morgan.~~

The Chicago office also maintains index cards on all charitable organizations registered with the Attorney General.

(Source: Amended at 24 Ill. Reg. 1465, effective SEP 21 2000)

Section 480.30 Registration

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- a) ~~Trustees of a trust~~ subject to the this Act holding property with a value in excess of \$1,000 must file with the Attorney General a registration statement in the forms set forth in Exhibits A and B of this Part prior to any disbursement or within six (6) months after the property is received for charitable purposes, whichever occurs first.
- b) Trustees who hold property in excess of \$1,000 during any 12 month period are required to register.
- c) ~~Upon termination of a resignation by a charitable trust, the officer or director of the trust shall resign from the charitable organization and shall register the Attorney General in writing within ten days of such fact his resignation and the name and address of his successor.~~
- d) ~~Each trustee, officer or director is responsible for accurate record keeping and for the timely and accurate filing of financial reports required by the Attorney General. Resignation of such trustee, officer or director shall not avoid or diminish these record keeping and filing responsibilities for any period during which such person held office.~~
- e) ~~Each "trustee" has a fiduciary obligation toward his/her their charitable organization; charitable monies; donors; and unknown charitable beneficiaries as described by the charitable organization's stated purpose or the purpose for which charitable monies were collected.~~
- f) ~~to register, a charitable trust must file in duplicate a completed registration statement, all required statutory fees and all appropriate attachments, including schedules schedule of assets and investments. All registrations must be accompanied by copies of the instrument under which the property is administered, and a financial statement statements for each of the past three years and executed copies of the tax returns and/or reports filed with the Internal Revenue Service for the past three years. Where there is no written instrument, the trustee must prepare an affidavit setting forth the conditions of the trust. The registration must be made by the trustee. In the case of a corporate charitable trust with two or more officers, the president and the treasurer must sign. Additional prior years' reports and schedules may be required at the discretion of the Attorney General.~~
- g) ~~The Attorney General may by pre-approval accept registration forms used by other states which contain the information required in Exhibit A.~~
- h) ~~When a registration is cancelled, to return to compliance, a re-registration must be made. Re-registration requires the submission of all of the above as applicable, including the re-registration penalty fees as provided by Section 5(b) of the Act.~~
- i) ~~When a charitable trust combines the interest of living private individuals with charitable interests, confidential registration may be made.~~
- if) ~~A confidential registration statement shall contain the information required by Section 480.30(e) and also two (2) additional copies of~~

ATTORNEY GENERAL

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the trust instrument from which are deleted the names of the individual beneficiaries.

- g) ~~if an organization applies for an exemption from either State or Federal taxation, copies of this application and any determination shall be included in the registration statement;~~
- h) ~~When a bank or trust company is trustee or co-trustee of a charitable trust, it shall upon the request of the Attorney General supply a schedule of assets with the registration statement; the Attorney General shall be notified of any changes in individual trustees;~~
- k) The trustee shall notify the Attorney General of any changes in the registration information within thirty (30) days of the changes.

(Source: Amended at 24 Ill. Reg. 14665, effective SEP 21 2000)

Section 480.40 Organizations and Activities Exempt from Registration

- a) Trustees who hold property with a value of less than \$4,000 are not required to register with the Attorney General provided that, if assets exceed \$4,000 during any 12 month period, no exemption is available and registration is required.
- b) The Federal, state and local governments and their duly authorized agencies and subdivisions ~~subdivision~~ are exempt from the registration requirements of the Charitable Trust Act.
- c) Religious organizations, bodies and their affiliated agencies or affiliates directly supervised by such religious organizations are exempt from the registration requirements of the Charitable Trust Act for exclusively religious activities.
- d) Individual officers and directors of religious bodies who hold property in their official capacity are exempt from registration under the Charitable Trust Act for the purpose of and who are exclusively actually operating solely for religious purposes.
- e) ~~Trustees who hold property for the purpose of and who are exclusively actually operating solely for religious purposes are exempt from the registration requirements of the Charitable Trust Act provided that if the charitable trust is engaged in non-exempt activities, it is required to register for those activities.~~
- f) Trustees engaged in any of the above exempt activities, if engaged in non-exempt activities, must still register and account for all non-exempt activities.

(Source: Amended at 24 Ill. Reg. 14665, effective SEP 21 2000)

Section 480.50 Annual Reports

- a) All trustees subject to the Act with the exception of bank and trust

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companies must file annual financial reports with the Attorney General on the form as set forth in Exhibit C of this Part with the attachments prescribed by the form and this Section and with all required statutory fees paid prior to the due date. ~~All trustees including banks and trust companies must notify the Attorney General of the termination of a charitable trust.~~

b) The annual financial report is due within six months after the close of an organization's fiscal year.

c) ~~Unless excused by the Attorney General, the annual financial report shall be signed as required by the Act and must include the following: cover the most recent calendar or fiscal year of the charitable trust;~~

- 1) The Illinois Charitable Organization Annual Report form;
- 2) A copy of the Federal Internal Revenue return and/or report, as required by the Internal Revenue Code and incorporated attachments for the same period;
- 3) Required statutory fees; and
- 4) A schedule of investments on a form that lists a description of the asset, quantity, cost and fair market value to the Attorney General.

The use of substitute forms or computer printouts may be approved in writing by the Attorney General for good cause upon a timely request.

e) ~~Annual financial report is due six (6) months after the close of that organization's fiscal or calendar year.~~

d) Alternative Annual Accounting in lieu of compliance with subsection (c) above:

- 1) A trustee of a trust subject to court supervision must: notify the Attorney General pursuant to the Act; provide a copy of the court accounting signed under oath by the trustees; provide a copy of the court order approving the accounting; and submit the required statutory fees.
 - 2) Bank and trust companies and their fiduciaries may file a copy of the trust accounting and the required fees instead of an annual report required by the Act.
 - 3) Trusts holding and receiving less than \$25,000 in assets and less than \$25,000 in revenue during a fiscal year may file a simplified financial statement using the Illinois Charitable Organization Annual Report form disclosing gross receipts, total disbursements, and assets on hand at the year's end and signed by the trustee.
- d) ~~Financial reports are to be made on the forms provided by the Division unless an alternate filing as provided in Section 480.50-(g) through (j);~~
- e) The Attorney General shall, upon written request, extend for 60 days the time for filing of the annual financial report.
- f) If an organization is entitled to an additional extension for good cause by the Internal Revenue Service, which would extend its federal tax return or report due date later than the Attorney General's due

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date, the organization may obtain an additional extension from the Attorney General coinciding with the same Internal Revenue Service due date. Extension requirements are:

1) This extension requirement must be made prior to the due date for the Attorney General's annual financial reports and must include:

- A) A request for such additional extension;
- B) A completed and signed Illinois Charitable Organization Annual Report form;
- C) Financial statements, including a balance sheet and report of income and expenses for the subject period in final or final form;
- D) All required statutory fees; and
- E) A copy of the application for extension of time filed with the Internal Revenue Service.

2) The filing of all required reports must be done on or before the Internal Revenue Service extended filing date and shall include:

- A) A copy of the approved Internal Revenue Service application for extension; and
- B) A copy of the Federal tax return or report.

3) All the trust-of-all financial reports or substitutes must shall be signed attested by a trustee or, if a corporation, the president and chief fiscal corporate officer and the signature properly notarized.

4) Organizations registered under both the Charitable Trust Act and the Solicitation for Charity Act (225 ILCS 460) may file one report, but must meet the requirements of both the Solicitation for Charity Act and the Charitable Trust Act.

5) An organization may alter its fiscal year only upon written notice to the office of the Attorney General and after providing whatever financial reports are necessary to furnish a complete picture of its operation during any gap period.

6) The Attorney General may, for good cause, alter or suspend the reporting period of a charitable trust for a reasonable and specifically designated time.

7) Anyone requesting a change in reporting period or suspension of the reporting requirement shall file a written request with the Attorney General setting forth the reasons for the request and accompanied by a financial report showing the current financial condition of the trust.

8) The Attorney General will make a written determination on the request. The request will only be granted if the beneficiary will not be prejudiced and periodic reporting is not required for the proper supervision of the trust.

9) All trustees must notify the Attorney General of the termination of a charitable trust and file a final financial report within six months after termination, upon the same forms and using the same attachments as required for an annual financial report.

10) Failure to file a timely and complete financial report will result in penalty fees and/or a fine and subjects the organization's

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registration to cancellation.

m) Upon cancellation the organization must cease operations.
 n) The annual report must include a schedule of investments on the form provided by the Attorney General; the use of substitute forms or computer printouts may be approved in writing by the Attorney General upon a timely request.

o) A tax-exempt organization may submit copies of the Internal Revenue Service Form 990 or 990-EF, including all Federal attachments in lieu of completing the Attorney General's report form provided the Attorney General's alternate Report Supplement is also submitted. Copies of the Report Supplement form are available upon request.

p) A report filed with an Illinois court having supervision and jurisdiction of the trust may be substituted for the report required by Section 480.60(d).

q) An annual report prepared by a certified public accountant or Bank or trust Company may be substituted for the report required by Section 480.50(a) provided it contains substantially all the information required by the Attorney General's annual report form and provided the Attorney General's alternate Report Supplement is submitted.

r) Organizations registered under both the Charitable Trust Act and the Act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor (Ill. Rev. Stat. 1907 ch. 23, pars. 5101-5114) which file the annual report required by the Illinois Solicitation Act are not required to file a report under the Charitable Trust Act.

s) An organization may alter its fiscal year upon written notice to the office of the Attorney General and after providing whatever financial reports are necessary to furnish a complete picture of its operation.

t) The Attorney General may, for good reason, alter or suspend the reporting period of a charitable trust for a reasonable and specifically designated time.

u) Anyone requesting a change in reporting period or suspension of the reporting requirement shall file a written request with the Attorney General setting forth the reasons for the request and accompanied by a financial report showing the current financial condition of the trust. These applications shall be submitted to the Springfield office of the Attorney General.

v) The Attorney General will make a written determination on the request. The request will only be granted if the beneficiary will not be prejudiced and periodic reporting is not required for the proper supervision of the trust.

(Source: Amended 24 Ill. Reg. 14665, effective 8/1/2001)

Section 480.60 Public Records

The registration and annual reports, except for confidential registrations

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phones, made with the Bureau Division are public records. They may be examined by interested members of the public in the office of the Attorney General during ordinary business hours in accordance with the Attorney General's public information rules.

(Source: Amended at 24 Ill. Reg. 1A053, effective

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Section 480. EXHIBIT A Registration Statement and Instructions

Form CO-1

CHARITABLE ORGANIZATION
— REGISTRATION STATEMENT —

JIM RYAN
ATTORNEY GENERAL

PLEASE TYPE OR PRINT IN INK. This reimbursement statement is required by the Illinois Charitable Trust Act and "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes." Please attach all items which are applicable to your Regular Organization. If you are unable to answer any question fully in the space provided, please attach a sheet containing the remainder of your explanation. No further reimbursement statement is required, provided that every registered organization that lists the Attorney General within 10 days of any change in the information authorized herein. One copy of this Registration Statement and attachments are to be filed with the Charitable Trust and Solicitation Bureau, 100 West Randolph Street, Chicago, Illinois (in the Office of the Attorney General).

Try, in a registration under

- ☐ Illinois Charitable Trust Act
☐ An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes
☐ Both Acts

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Telephone Number:

Federal Employee: No

August 1991

Counting

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Code

type of legal entity (Corporation, Trust, Unincorporated Association or other) and date, method and place organization legally established.

Name, address, and telephone number of Illinois registered agent

Addresses of all offices in the State of Illinois

Year on which the annual accounting period of the corporation ends

Monih

Day

have the purposes of the organization and purposes for which contributions are to be used (Be specific)

1. If the name under which the organization intends to solicit funds differs from the name listed in No. 2, provide name(s) under which contributions will be solicited, and the reason for the use of such other name(s).

If the organization has previously been registered with the Attorney General under either Act, give name under which registered (different from that shown in No. 2), last reinsurance number, and date registered.

Has the organization been registered with any other governmental authority to solicit contributions?

by contact

Has the organization been re-

by contact

No

Has the organization or any of its officers, directors or trustees ever been enjoined or prohibited by any court or other governmental agency from soliciting contributions, or is such action pending? ☐ Yes ☐ No

☐ No

W-Yes", attach an explanation.

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Section 480. EXHIBIT B Financial Information Form

Form CD-2

CHARITABLE ORGANIZATION FORM —

JIM RYAN
ATTORNEY GENERAL

(Source: Added at 24 Ill. Reg. 14.065 effective 10/1/2000)

PLEASE TYPE OR PRINT IN INK. Organizations that have been a corporation less than one (1) year are required to complete this form in conjunction with Form CD-1, Charitable Organization Form CD-1 Line 20, and file each form with the Attorney General's Office, Charitable Trust and Solicitation Bureau, 100 West Randolph Street, Chicago, Illinois 60601.

- Name, address and telephone number of the organization _____
- The books and records are located at the following address and telephone number: _____
- Are the gross receipts for the current calendar/fiscal year expected to exceed \$10,000.00? ☐ Yes ☐ No
- Please provide the following financial information

From inception		During	Month/Year
GROSS RECEIPTS TO DATE			
Contributions, Gifts & Grants	\$ _____	ASSETS	\$ _____
Program Service Revenue	_____	Cash	_____
Dues	_____	Accounts Receivable	_____
Interest & Dividends	_____	Other Receivables	_____
Rent	_____	Investments	_____
Fundraising Events	_____	Investments	_____
Gross Revenue	_____	Land, Buildings, Equip	_____
TOTAL	\$ _____	Other Assets	_____
		TOTAL	\$ _____

IN FULL OF THE ABOVE FINANCIAL INFORMATION, A CURRENT TREASURERS REPORT MAY BE SUBSTITUTED PROVIDED THAT IT PROVIDES SUBSTANTIALLY THE SAME INFORMATION.

CERTIFICATION

NOT: At least two different persons familiar with the financial affairs of the organization are required to sign. Their names should be the President and the Chief Financial Officer, their authorized Officer or two Trustees.

Name and Title	_____	Date Signed	_____
Name and Title	_____	Date Signed	_____
Name and Title	_____	Date Signed	_____

Submitted and sworn to me this _____ day of _____, 19 ____ A.D.
Notary Public _____

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Form AG990-IL INS

JIM RYAN
ATTORNEY GENERALILLINOIS CHARITABLE ORGANIZATION
- FORM AG990-IL FILING INSTRUCTIONS -

As required by Illinois Law, every charity operating in Illinois, with limited exceptions, must register and file an annual financial report with the Illinois Attorney General's Office. (780 ILCS 55/1-11.150 and 225 ILCS 460/0-11.150.)

TO COMPLETE AN ANNUAL FINANCIAL REPORT FILING THE FOLLOWING ITEMS MUST BE SUBMITTED

1. \$15.00 Annual Filing Fee - make check or money order payable to "ILLINOIS CHARITY BUREAU FUND" - (No fee is required if the organization's gross revenue and assets were each less than \$15,000. See below for simplified filing for small organizations.) Filing without proper fees will not be accepted.

2. Form AG990-IL, amounts on this form should be typed in black and rounded to the nearest dollar. Complete all sections and file the report with the organization. An incomplete AG990-IL will be classified as not filed.

- A. Part II, Line 11 - Report of program costs associated with a sponsored fundraising appeal to the extent such costs were allocated to Charitable Program Service Expense and entered on line 11a Charitable Program Service Expense. The amount should equal the amount reported on the back of the AG990-IL form, question 7(b). You must have and maintain the documentation to support the allocations made.

- B. Part III, Line 8 - List all fees paid to all fundraising consultants during the year. Attach a list of these consultants listing the name and address of the Consultant and the total of all fees paid.

3. IRS Return or Report (IRS 990, 990EZ, 990PF or other) - submit a copy of the Federal Return you filed. If you did not file a Federal Return or Report, explain why. Attach explanation.

4. Audited Financial Statements - are required if gross contributions exceeded \$150,000 or if the organization used a paid professional fundraiser, which raised contributions in excess of \$25,000. Contributions include the gross sums paid by the public to the charity for rights or services of the organization, as well as cash donations.

5. Form IFC - Attorney General Report of Individual Fundraising Campaign - If the organization used a paid professional fundraiser, a separate campaign report form is required for each campaign, and each must be signed by both the professional fundraiser and an officer or director of the organization.

ADDITIONAL INSTRUCTIONS

1. COM - Use on reports and all correspondence. Upon registration a charitable organization number was assigned (COM CXXXXXXX); if not printed on the form, please mail your COM on the top of the first page of the AG990-IL. Contact any premier name or address information that is incorrect or out of date.
2. PROGRAM SERVICE CODES - Select all three codes from those on back of these instructions which best describe the program services for which the organization spent funds. Enter descriptions and code numbers in Part IV of the AG990-IL.
3. SIGNATURES - The signatures of two different officers (president or other authorized officer and the chief fiscal officer) or of two trustees are required on the back side of the AG990-IL. One signature shall be accepted if there is only one officer or trustee.
4. DUE DATE - The annual financial report and fee are due within six months of the organization's fiscal or calendar year end. A 15-day extension of the due date can be requested. The extension request must be in writing and received by our office prior to the due date.
5. LATE REPORT FILING FEE - If a proper and complete annual report along with all fees and attachments is not received prior to the due date, a \$100.00 late report filing fee (checks payable to "Illinois Charity Bureau Fund") is required by Illinois law. The report cannot be accepted and will not be considered filed if it is late and the late fee is not paid.
6. File the original AG990-IL, one copy of the attachments, and applicable fees with the

OFFICE OF THE ATTORNEY GENERAL
CHARITABLE ORGANIZATION
ATTN: ANNUAL REPORT SECTION
100 WEST RANDOLPH STREET, 3rd FLOOR
CHICAGO, ILLINOIS 60601-3175
(312) 814-2595

ATTORNEY GENERAL

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Charitable activity code numbers (select up to three codes which best describe the activity and/or the program service for which your organization expends funds). Enter in Part V of the first page of the AG 990-IL. Enter first the code which most accurately identifies you.

SCHOOLS

- 001 Pre School
- 002 Elementary or High School
- 003 College & University
- 004 Trade Schools, Vocational School & Job Training
- 005 Other Public Policy

PUBLIC EDUCATION OTHER THAN SCHOOLS

- 010 Public Education for Mail
- 011 Seminars and Conferences
- 012 Other Educational Materials for the Public
- 013 Other Educational Materials for the Public

RELIGIOUS ACTIVITIES

- 020 Church, Synagogue, etc.
- 021 Muslim, Muslim
- 022 Other Religious Activities

CULTURAL AND HISTORICAL

- 031 Art and/or Literature
- 032 Music
- 033 Other Cultural Activities
- 034 Historical Activities

RECREATION & SOCIAL ACTIVITIES

- 041 Youth
- 042 Adult
- 043 Adult, Group & Youth Bands
- 044 Youth Club (i.e. Boy Scouts, Girl Scouts, 4-H, Boys Club, etc.)
- 045 Other Recreation, Recreational Facilities

RESEARCH

- 051 Social Research
- 052 Other Research
- 053 Other Medical and Disease Research

HEALTH FACILITIES

- 061 Nursing Home
- 062 Health Clinic
- 063 Other
- 064 Hospital

ANIMAL WELFARE

- 071 Animal Shelter, Humane Society and/or Anti-cruelty Society
- 072 Other (i.e. Preservation & Shelter for Wildlife)

ENVIRONMENT

- 081 Conservation of Natural Resources
- 082 Prevention of Pollution

CIVIC ACTIVITIES

- 090 Legal Services and Legal Aid
- 091 Civic Rights Activities

PUBLIC POLICY

- 100 Legislative and Political Activities
- 101 Lobbying & Advocacy
- 102 Consumer Interest Groups (non-education)
- 103 Other Public Policy

HUMAN SERVICES

- 110 Day Care Centers
- 111 Child Welfare and Family Services
- 112 Neighborhood and Community Development
- 113 Nursing Services (i.e. Home Care)
- 114 Programs for Mentally Handicapped
- 115 Programs for Mentally Handicapped
- 116 Foster and Emergency Services
- 117 Other Human Services

SUBSTANCE ABUSE

- 118 Services for Alcohol or Drug Abuse
- 119 Services for Alcohol or Drug Abuse
- 120 Services for Blind Children
- 121 Services for Developmentally Disabled Adults
- 122 Services for Developmentally Disabled Children
- 123 Services for Handicapped Adults
- 124 Services for Handicapped Children
- 125 Services for the Hearing Impaired
- 126 Services for the Poor
- 127 Services for the Young

HOUSING

- 130 Housing for Youth
- 131 Housing for the Poor
- 132 Housing for the Aged
- 133 Housing for the Disabled
- 134 Housing for the Disabled

BENEFITTING PUBLIC SAFETY EMPLOYEES & FAMILY

- 140 Firemen & Families
- 141 Law Enforcement Personnel & Families

ACTIVITIES INVOLVING OTHER ORGANIZATIONS

- 150 Groups or Other Charitable Organizations
- 151 Fundraising Services or Facilities to Other Organizations
- 152 Underwriting/Donation Organization

OTHER PROGRAM SERVICES

- 200 Scholarship and Student Loans
- 201 Miscellaneous Program Services
- 202 Other (i.e. Cemetery)

MISCELLANEOUS PROGRAM SERVICES

- 300 Other (i.e. Cemetery)

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1) Heading of the Part: Solicitation For Charity Act

(Source: Added at 24 Ill. Reg. 14665, effective

2) Code Citation: 14 Ill. Adm. Code 400

3) Section Numbers:

400.10 Amend

400.30 Amend

400.40 Amend

400.50 Repeal

400.60 Amend

400.65 New

400.70 Amend

400.80 Amend

400.85 New

400.90 Amend

400.100 Amend

APP. A ILLUS. A New

APP. A ILLUS. B New

APP. A ILLUS. C New

APP. A ILLUS. D New

APP. A ILLUS. E New

APP. B ILLUS. A New

APP. B ILLUS. B New

APP. B ILLUS. C New

APP. B ILLUS. D New

APP. B ILLUS. E New

APP. B ILLUS. F New

APP. B ILLUS. G New

APP. C ILLUS. A New

APP. D ILLUS. A New

4) Statutory Authority: 225 ILCS 460/2(h)

5) Effective Date of Amendments: September 21, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 7, 2000, 24 Ill. Reg. 5727

10) Has JCAR issued a Statement of Objection to these amendments? No

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11) Differences between proposal and final version:

Per public comments, withdrew all proposed changes made to Section 400.20, Definitions, as they will be considered by the Attorney General's Charitable Advisory Council and revisited at a later time.

Changed the words "each and every" back to "the" in Section 400.30(a)(2) as no change in the law was intended.

Changed the words "combined fundraising appeal" to "joint cost fundraising appeal" in Section 400.60(d) for clarity.

Changed "may" to "shall" in Section 400.60(g) allowing a 60 day extension in filing the annual financial report.

Added the words "except as provided in Section 17 of the Solicitation for Charity Act [225 ILCS 460/17]" to Section 400.100(a) for clarification

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements? Yes

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: The primary purpose of this rulemaking is to make the rules consistent with recent changes in the Solicitation for Charity Act. The subject matter includes such things as: registration and annual report filing fees and late fees, reregistration fees, simplified annual financial statement for small organizations (under \$25,000 in revenue and assets), and procedures to allow the Attorney General's annual report filings to coincide with IRS filing dates if additional extensions were granted by the IRS. Reports by professional fund raisers were added in Section 400.65, and professional fundraising consultant renewals were added in Section 400.85. In addition, there is clarification of Sections 400.90 and 400.100, identification of the administering bureau in Section 400.10, and repeal of Section 400.50 because it unnecessarily repeats statutory language.

Forms used to implement the part have been included in the rules as Appendix A, Illustration A through E; Appendix B, Illustration A through G; Appendix C, Illustration A; and Appendix D, Illustration A.

16) Information and questions regarding these adopted amendments shall be directed to:

Floyd Perkins
Office of the Attorney General
100 West Randolph Street - 3rd Floor

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Chicago, Illinois 60601 (312)814-2595

The full text of the adopted amendments begins on the next page:

Section 400.10 General

The Charitable Trusts Bureau of the Attorney General's Office (hereafter Bureau) will maintain Division--maintains a file of all charitable organizations, professional fund raisers, professional fundraising consultants and professional solicitors registered under the Illinois Solicitation for Charity Act at its Chicago Springfield office and maintains duplicate--files for registration--pertaining--to--the counties of Cook, Lake, DuPage and McHenry in its Chicago office.

(Source: Amended at 24 Ill. Reg. 14684, effective SEP 22 2000)

Section 400.30 Registration

- a) Charitable Organization
- 1) Any charitable organization which solicits in Illinois must first register with the Attorney General unless it is exempted under Section 3(a) of the Illinois Solicitation Act or is not subject--pursuant--to the provisions of Section 3(b) of the that Act.

2b) To register, a charitable organization must file a in--duplicate completed registration statement in the forms set forth in Appendix A, Illustrations A and B of this Part, statements--and the all appropriate attachments, including a schedule of assets and investments, and all required statutory fees on--the--form provided by the Attorney General--the use of substitute forms or computer--prints--may--be--approved--in writing by the Attorney General--upon a timely request. All registrations must be accompanied by a copy copies of the instrument under which the property is administered (for example, trust documents, articles of incorporation, constitution, by-laws) and a financial statement. If the organization employs a professional fund raiser, a copy duplicate--copies of its contract with the professional fund raiser must accompany the registration statement.

3) If the organization has been in operation prior to registering, it must file, in addition to its registration statement, financial statements for each of the past three years and executed copies of annual reports or returns filed with the Internal Revenue Service for each of the past three years, must pay all filing fees and all late fees as provided by Sections 2 and 4 of the Act, and is subject to accounting for all past years of operation prior to registration.

4) When a registration is canceled, to return to compliance, a re-registration must be made. Re-registration requires the submission of all of the above registration documents as applicable, including the re-registration penalty fees as

TITLE 14: COMMERCE

SUBTITLE B: CONSUMER PROTECTION
CHAPTER 11: ATTORNEY GENERAL

PART 400
CHARITABLE SOLICITATION FOR CHARITY ACT

Section

- 400.10 General
- 400.20 Definitions
- 400.30 Registration
- 400.40 Religious Exemption
- 400.50 Not Subject Organizations (Repealed)
- 400.60 Annual Reports for Charitable Organizations
- 400.65 Mid-Year and Annual Reports for Professional Fund Raisers
- 400.70 Professional Fund Raiser Renewal
- 400.80 Professional Solicitor Renewal
- 400.85 Professional Fundraising Consultant Renewal
- 400.90 Public Records
- 400.100 Registration Not an Endorsement

APPENDIX A Charitable Organization Forms

- ILLUSTRATION A Registration Statement and Instructions
- ILLUSTRATION B Financial Information Form
- ILLUSTRATION C Religious Organization Exemption Form
- ILLUSTRATION D Annual Report and Instructions
- ILLUSTRATION E Report of Individual Fundraising Campaign
- APPENDIX B Professional Fund Raiser Forms
- ILLUSTRATION A Registration Statement and Instructions
- ILLUSTRATION B List of Charities and Contracts
- ILLUSTRATION C Annual Financial Report
- ILLUSTRATION D Report of Individual Fundraising Campaign
- ILLUSTRATION E Professional Solicitor Compensation Report
- ILLUSTRATION F Explanation of Professional Fundraising Fees
- APPENDIX C Professional Solicitor Forms
- ILLUSTRATION A Registration Statement
- ILLUSTRATION B Professional Fundraising Consultant Forms
- APPENDIX D Registration Statement

AUTHORITY: Implementing and authorized by the Solicitation for Charity Act (225 ILCS 460).

SOURCE: Adopted and effective November 5, 1975; amended at 2 Ill. Reg. 37, p. 185, effective September 30, 1978; amended at 6 Ill. Reg. 9616, effective August 1, 1982; codified at 7 Ill. Reg. 879; amended at 24 Ill. Reg. 14684, effective SEP 22 2000.

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provided by Section 2 of the Act.

5) Registration by an organization under Section 2 of the Act may upon request also satisfy the organization's registration requirements under the Charitable Trust Act [760 ILCS 55/5].

6) The Attorney General may by pre-approval accept registration forms used by other states which contain the information required in Appendix A, Illustration A.

b) Professional Fund Raiser

1) A professional fund raiser may be employed by a charitable organization in Illinois without prior registration with the Attorney General.

4) ~~No professional fundraiser may act in Illinois without prior registration with the Attorney General. No person may register as a professional fundraiser unless he is employed by a registered professional fund-raiser.~~

2) To register, a professional fund raiser must file in duplicate a completed registration statement in the form set forth in Appendix B, Illustrations A and B of this Part, all required statutory fees, copies of all Illinois charitable fundraising fund-raising contracts and a professional fund raiser's bond when a bond is required, as described in subsection (b)(3).

3) If the applicant is a professional fund raiser that will control or possess charitable funds, a ~~raiser's~~ bond in the amount of \$10,000 ~~95/999~~, expiring upon the next June 30, issued with the professional fund raiser as a principal and a corporate surety licensed to do business in Illinois as surety, must accompany the registration. The bond must be in the form provided by the Bureau as set forth in Appendix B, Illustration C of this Part Division.

c) Professional Solicitor

1) No professional solicitor may solicit in Illinois without prior registration with the Attorney General. No person may register as a professional solicitor unless he is employed by a registered professional fund raiser.

2) To register, a professional solicitor must file a ~~in duplicate~~ completed registration statement in the form set forth in Appendix C, Illustration A of this Part ~~statements~~.

d) Professional Fundraising Consultant

1) No person or entity may act as a professional fundraising consultant without prior registration with the Attorney General.

2) To register, a professional fundraising consultant must file a completed registration statement in the form set forth in Appendix D, Illustration A of this Part, copies of all Illinois Charitable fundraising consultant contracts and an affidavit stating that the professional fundraising consultant has not or will not at any time have custody or control of contributions.

e) A registrant shall notify the Attorney General of any changes in registration information within ten (10) days after of the change.

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(Source: Amended at 24 Ill. Reg. 14684, effective SEP 3, 2000)

Section 400.40 Religious Exemption

a) Religious organizations are subject to the Illinois-Solicitation Act and must register under the Act ~~unless they have been exempted pursuant to the provisions of Section 3(e)~~. If the Attorney General has issued a religious exemption to an organization pursuant to the provisions of Section 3(a) of the Act, that organization is exempt from filing annual reports.

b) To obtain ~~qualify~~ for a religious exemption, an organization must file in duplicate a completed registration statement, request an exemption and submit a religious exemption questionnaire in the form set forth in Appendix A, Illustration C of this Part.

c) The Attorney General may require the organization to supply such supplemental information as is necessary to determine its religious character.

d) The Attorney General may issue either a blanket or an individual religious exemption.

e) An individual religious exemption covers a single named religious group.

f) A blanket religious exemption is issued to and upon the request of the central body of a church or denomination and covers the church and all of the affiliated agencies listed in the exemption request.

g) Any religious organization with multiple subdivisions ~~subdivision~~ may request a blanket exemption.

h) An application for a blanket religious exemption must be filed by the central governing authority of the church and shall contain the information required by Section 400.40(b) and also a list of the affiliated organizations and agencies which are directed and controlled by the central church.

i) If, upon the filing of an application for religious exemption, the Attorney General determines that the organization is a religious one within the definition of Section 3(a) of the Act and that its purposes are actual and genuine, ~~he will issue~~ a religious exemption will be issued.

j) Organizations receiving blanket exemptions shall periodically supply the Attorney General with current lists of their affiliates.

(Source: Amended at 24 Ill. Reg. 14684, effective SEP 3, 2000)

Section 400.50 Not Subject Organizations (Repealed)

a) ~~Organizations which comply with the requirements of Section 400.50(b) through (f) need not register under the Illinois-Solicitation Act. However, this does not necessarily exempt them from the Illinois~~

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- Charitable-Trust-Act;
- b) Any-charitable-organization-which-solicits-less-than-\$4,000---annually-and-does-not-employ-a-professional-fund-raiser,-need-not-register;
- c) Any-charitable-organization-which-receives-its-funds-from-a-United-or-Community-Fund-and-does-not-independently-solicit-\$4,000-or-employ-a-professional-fund-raiser,-need-not-register;
- d) Educational---institutions---and---foundations---having---an---established-identity-with-an-educational-institution-which-fall-within-one-or-more-of-the-following-categories-need-not-register
- 1) The-University-of-Illinois-Southern-Illinois-University-Western-Illinois-University-Illinois-State-University-Northern-Illinois-University-and-Western-Illinois-University;
- 2) All-educational-institutions-that-are--recognized--by--the--State-Superintendent-of-Public-Instruction;
- 3) All-educational-institutions-accredited-by-a-regional-or-national-accrediting-association-or-by-an-organization-affiliated-with-the-National-Commission-on-Accrediting;
- 4) All-educational-institutions-which-confine-their-solicitation-to-students-faculty-trustees-and-their-respective-families;
- e) Libraries-which-are-established-under-State-law-and-which-file-the-annual-reports-required-by-law,-need-not-register;
- f) Fraternal-patriotic-and-smilar-organizations-which-confine-their-solicitation-to-their-membership-need-not-register;
- g) Persons-conducting-a-charitable-benefit-for-a-particular-person-need-not-register-provided-that-they-are-unpaid-for-their-services-and-that-the-contributions-after-reasonable-expenses-are-turned-over-to-the-named-beneficiary;
- h) Volunteer-firemen-and-their-auxiliaries--nurses--for--infants-awaiting-adoption-and-their-affiliates--need-not-register-provided-that-their-solicitations-are-conducted-by-their-members-and-that--the-members-are-not-paid-for-their-services;
- i) Any-charitable-organization-organized-by-and-reporting-annually-to-the-Congress-of--the-United--States--need-not-register-provided-that-its-annual-financial-report-is-audited-by-the-Federal-government;
- j) The-Boys-Girls-of-America--and-its-affiliates--need-not-register-provided--they--file--the-annual-reports--required--by--the-national-organization-and-that-the-national-organization--makes--the-reports-required-by-its-charter.

(Source: Repealed at 24 Ill. Reg. 14684, effective SEP 24 2000)

Section 400.60 Annual Reports for Charitable Organizations

- a) To complete a proper annual report filing, all annual reports required under the Act must be filed on the form set forth in Appendix A, Illustration D of this Part and with the attachments prescribed by the form and this Section, signed by both the president of the

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- organization or other authorized officer, and the chief fiscal officer, and with all required statutory fees paid prior to the due date.
- b) Each annual financial report is due within six months after the close of the organization's fiscal year. An organization may request a 60 day extension of the due date pursuant to Section 4(f) of the Act.
- c) Failure to file a complete annual report including all required attachments, along with payment of fees due prior to the due date, shall result in the organization being classified delinquent, and shall subject the organization to the payment of a late filing fee.
- d) On each annual report an organization must report separately all program costs associated with a joint cost fundraising appeal to the extent such was allocated to charitable program service expense and included on the annual report as charitable program service expense. The organization must maintain written records showing how the allocation was determined and the reasoning behind it.
- e) The form and attachments required for an organization's annual report is determined by the amount of its revenue and assets during the reporting fiscal period or whether it has used the services of a paid professional fund raiser as follows:
- 1) Any organization which received contributions of more than \$150,000 in any reporting fiscal year or any organization which employed professional fund raisers during any part of the fiscal year who raised contributions totaling more than \$25,000 during the organization's fiscal year must file:
- A) The Illinois Charitable Organization Annual Report form signed by the president and the treasurer and/or two trustees;
- B) A copy of the Federal Internal Revenue return and/or report as required by the Internal Revenue Codes and incorporated attachments for the same period;
- C) A financial report accompanied by financial statements and the certification of an independent certified public accountant. Certification must be in the form of an unqualified opinion letter;
- D) All required statutory fees, including all late fees and re-creditation fees; and
- E) If the organization employs a professional fund raiser, the Illinois Fundraising Campaign form for each professional fundraising campaign conducted during the fiscal period in the form set forth in Appendix A, Illustration E of this Part.
- 2) Any organization with contributions more than \$25,000 but not in excess of \$150,000, or any organization which employed professional fund raisers who raised contributions of \$25,000 or less during the organization's fiscal year, need not file an independent certified public accountant's opinion but must submit all of the other items required and listed in subsection (e)(1).

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above.

- 3) Any organization which received contributions of more than \$15,000 but not in excess of \$25,000 during its fiscal year must file an annual report, but it may make a simplified filing by submitting:
 - A) A financial statement using the Illinois Charitable Organization Annual Report form disclosing total receipts, total disbursements and assets on hand at the fiscal year end, accompanied by an attestation to the truth of the financial statement; and
 - B) All required statutory fees.
- 4) Certain organizations registered under the Act that are not required to file an annual report for a specific fiscal year under the Act, may be required to file under the Charitable Trust Act [760 ILCS 55].
 - f) Charitable organizations which have made a consolidated registration pursuant to Section 2(g) of the Act shall include in their annual report such additional detailed financial information as will fairly represent the financial position of each of the affiliated groups.
 - g) The Attorney General shall, upon written request, extend for 60 days the time for filing the annual financial report.
 - h) If an organization is entitled to an additional extension for good cause by the Internal Revenue Service, which would extend its federal tax return or report due date to a date later than the Attorney General's due date, the organization may obtain an additional extension from the Attorney General coinciding with the same Internal Revenue Service due date. Extension requirements are:
 - 1) This extension request must be made prior to the due date for the Attorney General's annual financial reports and must include:
 - A) A written request for such additional extension;
 - B) A completed and signed Illinois Charitable Organization Annual Report form;
 - C) Financial statements, including a balance sheet and report of income and expenses for the subject period in final or interim form;
 - D) All required statutory fees; and
 - E) A copy of the application for extension of time filed with the Internal Revenue Service.
 - 2) The filing of all required reports must be done on or before the Internal Revenue Service extended filing date and shall include:
 - A) A copy of the approved Internal Revenue Service application for extension;
 - B) A copy of the Federal tax return or report; and
 - C) Audited financial statements if required by the Attorney General and not previously filed.
 - 4) Failure to file a timely and complete financial report will result in penalty fees and/or a fine and subjects the organization's registration to cancellation.

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Upon cancellation the organization must cease operations.

- a) All charitable organizations registered under the Illinois Solicitation Act must file in duplicate an annual financial report signed by the president or other authorized officer and the chief fiscal officer.
 - 1) For fiscal years ending on or after December 31, 1991, any organization that solicits more than \$47,000 during its fiscal year must file in duplicate either:
 - A) IRS Form 990 and Attorney General's form AG-990S; or
 - B) Attorney General's form AG-990 and AG-990S.
 - 2) IRS Form 990 and Illinois AG-990 are virtually identical as to line items.
 - 3) If IRS Form 990 is used, all sections must be completed without regard to IRS dollar limitations.
 - 4) All reports must be filed in duplicate.
 - A) A six-month grace period is established for the transition from the previous reporting requirements to those set out in Section 400-60(b) of the Regulations with fiscal years ending on or after December 31, 1991, but before July 1, 1992, may file as set out in Section 400-60(b) or may complete Attorney General's form GS-14, Form GS-14 will not be accepted for fiscal years ended July 1, 1992 and thereafter.
 - 5) Organizations which solicit contributions of more than \$25,000 or employ a professional fund-raiser must provide a financial report accompanied by the certification of an independent public accountant if certification is required; it must be in the form of an opinion letter and must accompany the reports filed pursuant to Section 400-60(b) and (c).
 - 6) Charitable organizations which have made a consolidated registration pursuant to Section 2(g) of the Illinois Solicitation Act shall include in their annual report such additional detailed financial information as will fairly represent the financial position of each of the affiliated groups.
 - 1) For the purposes of these reports, \$25,000 means \$25,000 of contributions in public support and does not include requested community fund receipts and governmental grants.
 - 7) Any registered organization which during its fiscal year does not solicit funds or whose solicitation is of such a nature that it would not have been required to register (see Section 400-50) may in lieu of the annual financial report file an affidavit setting forth these facts and which is signed by the president or other authorized officer and the chief fiscal officer.
 - 8) The annual financial report is due six (6) months after the close of the organization's fiscal or calendar year.
 - 9) The Attorney General may upon written request, extend the time for filing of the annual report for a period not to exceed three (3) months.
 - 10) The registration of an organization is subject to cancellation for

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failure-to-file-a-timely-and-complete-financial-report--
 k) An organization whose registration is being cancelled for failure--to
 file--the-required-financial-report-will-receive-15-days-notice-of-the
 cancellation:

(Source: Amended at 24 Ill. Reg. 14684, effective
SEP 21 2000)

Section 400.65 Mid-Year and Annual Reports for Professional Fund Raisers

a) Mid-Year Reports:

1) Every registered professional fund raiser who takes possession of control of charitable funds directly, indirectly, by an agent, or as an escrowee shall file a full written accounting to the charitable organization of all funds it or its agents collected on behalf of the charitable organization during the six month period ending June 30 of each year, and file a copy of the accounting with the Attorney General by September 30 of each year.

2) The accounting shall be in writing and signed under oath on forms prescribed by the Attorney General as set forth in Appendix B, Illustrations D through G of this Part.

b) Annual Reports:

1) Every registered professional fund raiser shall file a calendar year written financial report with the Attorney General. The report shall contain such information as the Attorney General may require, and shall use forms prescribed by him as set forth in Appendix B, Illustrations D through G of this Part. Separate financial reports for each fundraising campaign conducted shall be filed, together with the statutory report filing fee.

2) The required report shall be filed on or before April 30 of the following calendar year, signed and verified under penalty of perjury, together with the required statutory fees. The Attorney General will grant a 30 day extension of the due date pursuant to Section 6(d) of the Act if such extension is requested in writing prior to the due date.

3) The professional fund raiser shall provide a copy of the report to the charitable organization by the due date of the filing.

(Source: Added at 24 Ill. Reg. 14684, effective
SEP 21 2000)

Section 400.70 Professional Fund Raiser Renewal Raisers

- a) The registration of all professional fund raisers expires on the next June 30 94th following their registration.
 b) A registered professional fund raiser who wishes to continue to act as professional fund raiser in Illinois must apply for renewal of its

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registration during June ~~re-register-on-or-before-July-1~~ of the year in which his registration expires.

- c) To ~~renew~~ re-register, a professional fund raiser must file ~~in-duplicate~~ a new, completed registration ~~re-registration~~ statement, an annual financial report as provided by the Attorney General, and professional fund raiser bond which meets the requirements of Section 400.30(b)(3) ~~for~~ for the period beginning July 1 and ending June 30 of the next year, and copies of active contracts and all required statutory fees.
 d) All Illinois professional fund raisers must file a copy ~~duplicate~~ copies of each the professional fundraising ~~tand-raising~~ fund-raising contract prior to conducting a fundraising campaign ~~contracts-within-ten-day~~ days-of-their-execution.
 e) All charitable organizations and professional fund raisers shall retain copies of their professional fundraising ~~fund-raising~~ fund-raising contracts for three (3) years following the completion of the contract.

(Source: Amended at 24 Ill. Reg. 14684, effective
SEP 21 2000)

Section 400.80 Professional Solicitor Renewal Solicitors

a) The registration of all professional solicitors shall expire on the next June 30 94th following their registration.

- b) A registered professional solicitor who intends to continue to act as a professional solicitor in Illinois must apply for renewal of its registration during June ~~re-register-on-or-before-July-1~~ of the year in which its registration expires.
 c) To ~~renew~~ re-register a professional solicitor must file ~~in-duplicate~~ a new, completed registration ~~re-registration~~ statement.

(Source: Amended at 24 Ill. Reg. 14684, effective
SEP 21 2000)

Section 400.85 Professional Fundraising Consultant Renewal

a) The initial registration of all professional fundraising consultants shall expire on the June 30 following two years of registration. Successive two year re-registration periods shall also expire on June 30.

- b) A registered professional fundraising consultant who intends to continue to act as a consultant in Illinois must apply for renewal of its registration during the month preceding expiration of the two year registration period.

(Source: Added at 24 Ill. Reg. 14684, effective
SEP 21 2000)

Section 400.90 Public Records

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All registrations and reports filed with the Attorney General under the Illinois Solicitation Act are public records and may be inspected in the office of the Attorney General during ordinary business hours in accordance with the Attorney General's public information rule.

(Source: Amended at 24 Ill. Reg. 14684, effective SEP 21 2000)

Section 400.100 Registration Not an Endorsement

- a) Any representation made by a charitable organization, professional fund raiser, or professional solicitor in connection with its solicitation that it is registered or has otherwise complied with the Illinois Solicitation Act, or that indicates the Attorney General endorses the organization, is unlawful, except as provided in Section 17 of the Solicitation for Charity Act [225 ILCS 460/17].
- b) The Attorney General may immediately cancel the registration of any person or organization violating Section 400.100(a). An affidavit from a person to whom such an illegal representation was made shall be sufficient to warrant an immediate cancellation.

(Source: Amended at 24 Ill. Reg. 14684, effective SEP 21 2000)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400.APPENDIX A Charitable Organization Forms

Section 400. ILLUSTRATION A Registration Statement and Instructions

Form CO-1

CHARITABLE ORGANIZATION
— REGISTRATION STATEMENT —JIM RYAN
ATTORNEY GENERAL

PLEASE TYPE OR PRINT IN INK. The registration statement is required by the Illinois Charitable Trust Act and "An Act to amend the Illinois Charitable Trust Act and to amend the Illinois Charitable Collection of Funds for Charitable Purposes." Please answer all items which are applicable to your organization. If you are unable to answer any question fully in the space provided, please attach a sheet containing the remainder of your answer. No further registration statement is required, provided that every registered organization shall notify the Attorney General within 10 days of any change in the information submitted herein. One copy of this Registration Statement must be submitted to the Office of the Attorney General, Charitable Trust and Solicitation Bureau, 100 West Randolph Street, Chicago, Illinois 60601.

1. This is a registration under:
 - ☐ Illinois Charitable Trust Act
 - ☐ An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes
 - ☐ Both Acts

2. Name of Organization _____ Telephone Number _____ Federal Employer ID# _____

Street and Number _____ City _____ County _____ State _____ Zip Code _____

3. Type of legal entity (Corporation, Trust, Unincorporated Association or other) and date, method and place organization legally established: _____
 If a foreign corporation, when was it authorized to do business in Illinois? _____
 If a corporation not incorporated in Illinois, where was it incorporated? File No. _____
 * A copy of the Articles of Incorporation or Certificate of Authority issued by the Secretary of State must be attached.

4. Name, address and telephone number of Illinois registered agent: _____

5. Addresses of all offices in the State of Illinois: _____

6. Date on which the annual accounting period of the organization ends: _____ Month _____ Day _____

7. State the purposes of the organization and purposes for which contributions are to be used. (Be specific.) _____

8. If the name under which the organization intends to collect funds differs (from the name listed in No. 2 provide names) under which contributions will be solicited, and the reason for the use of such other names(s): _____

9. If the organization has previously been registered with the Attorney General under either Act, give name under which registered, if different than that shown in No. 2), last registration number, and date registered: _____

10. Has the organization been registered with any other governmental authority to solicit contributions? _____
 Name of authority: _____
 Is such registration current? ☐ Yes ☐ No

11. Has the organization or any of its officers, directors or trustees ever been enjoined or prohibited by any court or other governmental agency from soliciting contributions, or in such action pending? ☐ Yes ☐ No
 If "Yes," attach an explanation. _____

Underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14684, effective 3/1/2000)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400. ILLUSTRATION B Financial Information Form

Form CO-2

CHARITABLE ORGANIZATION
— FINANCIAL INFORMATION FORM —
JIM RYAN
ATTORNEY GENERAL

PLEASE TYPE OR PRINT IN INK. Organizations that have been in operation less than one (1) year are required to complete this form in compliance with the "Charitable Organization Registration Statement" Form CO-1, Line 20, and file each form with the Attorney General's Office, Charitable Trust and Solicitations Bureau, 100 West Randolph Street, Chicago, Illinois 60601

- Name, address and telephone number of the organization _____
- The books and records are located at the following address and telephone number: _____
- Are the gross receipts for the current calendar/fiscal year expected to exceed \$10,000.00? ☐ Yes ☐ No _____
- Please provide the following financial information:

From inception	Month/Year to	Month/Year to
GROSS RECEIPTS TO DATE		
Contributions, Gifts & Grants	\$ _____	ASSETS
Program Service Revenue	_____	Cash
Dues	_____	Accounts Receivable
Interest & Dividends	_____	Other Receivables
Rents	_____	Inventory
Fund Raising Events	_____	Investments
Other Revenue	_____	Land, Buildings, Equip
		Other Assets
TOTAL	\$ _____	TOTAL
		\$ _____

IN FILL OF THE ABOVE FINANCIAL INFORMATION, A CURRENT TREASURER'S REPORT MAY BE SUBSTITUTED, PROVIDED THAT IT PROVIDES SUBSTANTIALLY THE SAME INFORMATION.

CERTIFICATION

NOTE: At least two different persons, familiar with the financial affairs of the organization, are required to sign. These persons should be the President and one Chief Financial Officer, or other authorized Officer or two Trustees.

Name and Title _____

Date Signed _____

Address _____

Name and Title _____

Date Signed _____

Address _____

Subscribed and sworn to me this _____ day of _____, 19____ A.D.

Notary Public _____

(undersigned)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Source: Added at 24 Ill. Reg. 14684, effective 11-2-2000

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400. ILLUSTRATION C Religious Organization Exemption Form

Form CO-3

JIM RYAN
ATTORNEY GENERAL— RELIGIOUS ORGANIZATION EXEMPTION FORM —
CHARITABLE ORGANIZATION

PLEASE TYPE OR PRINT IN INK. A religious organization seeking an exemption from filing annual reports is required to file this form and the "Charitable Organization Registration Statement" Form CO-1 with the Office of the Attorney General, Charitable Trust and Solicitations Bureau, 100 West Randolph Street, Chicago, Illinois 60601.

1 Name, address and telephone number of the organization _____

2 Briefly state your purposes as set forth in your charter or By-Laws _____

YES NO

3 Are you an organization established for religious purposes? ... 3

4 Are you an agency or affiliate of an organization established for religious purposes? 4

If "Yes," state the name and address of the religious organization with which you are affiliated _____

5 Do you maintain a house of worship? 5

If "Yes," state the address _____

6 Do you conduct weekly classes in religion or religious services? 6

If "Yes," where and when are these classes or services held? _____

7 Are you affiliated with any regional or national religious denomination or council? 7

If "Yes," state the name of said denomination or council _____

8 Is your religious organization listed in any official yearbook or denominational directory? 8

If "Yes," state the title and place of publication of the directory _____

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14684, effective 11-1-2001)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

	YES	NO
9 Does your organization have a religious leader? If "Yes", state whether the organization's spiritual leaders have performed any marriages, burials, baptisms, or other sacerdotal functions for members of the organization within the past year and, if yes, how many? from what higher body, if any, received authority to act.		9
If "Yes", state whether the organization's spiritual leaders have performed any marriages, burials, baptisms, or other sacerdotal functions for members of the organization within the past year and, if yes, how many?		
10 Is solicitation of funds confined to your membership? If "No", please describe the method of solicitation.		10

12 State any other facts you consider pertinent to the consideration of your exemption request

I swear under oath that this exemption form and the accompanying registration statement have been examined by me and all information contained therein is true and correct to the best of my knowledge

Signature and Title

Date

Subscribed and sworn to before me

this _____ day of _____, 19__ A.D.

Notary Public

(underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400. ILLUSTRATION D. Annual Report and Instructions

ILLINOIS CHARITABLE ORGANIZATION ANNUAL REPORT

Form ACP900-IL

Attorney General JIM RYAN, State of Illinois

Charitable Trust Bureau, 100 West Randolph

3rd Floor, Chicago, Illinois 60601

CO #

Check all items checked:

☐ Audited Financial Statements☐ Copy of Form IFC☐ Annual Report Filing Fee☐ \$100.00 Charitable Filing Fee

Report for the Fiscal Period:

Beginning

and Ending

MO DAY YEAR

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I. SUMMARY OF ALL REVENUE ITEMS DURING THE YEAR:

A. PUBLIC SUPPORT CONTRIBUTIONS & PROGRAM SERVICE REV. (GROSS AMTS.)

B. GOVERNMENT GRANTS & MEMBERSHIP DUES

C. OTHER REVENUES

D. TOTAL REVENUE, INCOME AND CONTRIBUTIONS RECEIVED (ADD D.E. & F.)

II. SUMMARY OF ALL EXPENDITURES DURING THE YEAR:

A. OPERATING-CHARITABLE PROGRAM EXPENSE

B. EDUCATION PROGRAM SERVICE EXPENSE

C. TOTAL CHARITABLE PROGRAM SERVICE EXPENSE (ADD H. & I.)

D. JOINT COSTS ALLOCATED TO PROGRAM SERVICES INCLUDED IN J.I.

E. GRANTS TO OTHER CHARITABLE ORGANIZATIONS

F. TOTAL CHARITABLE PROGRAM SERVICE EXPENDITURE (ADD J. & K.)

G. MANAGEMENT AND GENERAL EXPENSE

H. FUNDRAISING EXPENSE

I. TOTAL EXPENDITURES THIS PERIOD (ADD L, M, & N)

III. SUMMARY OF ALL PAID FUNDRAISER AND CONSULTANT ACTIVITIES

A. PROFESSIONAL FUNDRAISERS

B. TOTAL AMOUNT PAID BY PAID PROFESSIONAL FUNDRAISERS

C. NET RECEIVED BY THE CHARITY (IN MAJUS Q-RI)

D. PROFESSIONAL FUNDRAISING CONSULTANTS

E. TOTAL AMOUNT PAID TO PROFESSIONAL FUNDRAISING CONSULTANTS

IV. COMPENSATION TO THE (3) HIGHEST PAID PERSONS DURING THE YEAR:

T. NAME, TITLE

U. NAME, TITLE

V. NAME, TITLE

W. CHARITABLE PROGRAM DESCRIPTION: (CHARITABLE PROGRAMS MUST BE EXPANDED CODE CATEGORY)

X. DESCRIPTION

Y. DESCRIPTION

IF THE ANSWER TO ANY OF THE FOLLOWING IS YES, ATTACH A DETAILED EXPLANATION:

1. WAS THE ORGANIZATION THE SUBJECT OF ANY COURT ACTION, FINE, PENALTY OR JUDGMENT?

2. HAS THE ORGANIZATION OR A CURRENT DIRECTOR, TRUSTEE, OFFICER OR EMPLOYEE THEREOF EVER BEEN CONVICTED BY ANY COURT OF ANY MISDEMEANOR INVOLVING THE MISUSE OR MISAPPROPRIATION OF FUNDS OR ANY FIDUCIARY?

3. DID THE ORGANIZATION MAKE A GRANT AWARD OR CONTRIBUTION TO ANY ORGANIZATION IN WHICH ANY OF ITS OFFICERS, DIRECTORS OR TRUSTEES OWNS AN INTEREST OR WAS IT A PARTY TO ANY TRANSACTION IN WHICH ANY OF ITS OFFICERS, DIRECTORS OR TRUSTEES HAS A MATERIAL FINANCIAL INTEREST? OR DID ANY OFFICER, DIRECTOR OR TRUSTEE RECEIVE ANYTHING OF VALUE NOT REPORTED AS COMPENSATION?

4. HAS THE ORGANIZATION INVESTED IN ANY CORPORATE STOCK IN WHICH ANY OFFICER, DIRECTOR OR TRUSTEE OWNS MORE THAN 10% OF THE OUTSTANDING SHARES?

5. IS ANY PROPERTY OF THE ORGANIZATION HELD IN THE NAME OF OR COMINGLED WITH THE PROPERTY OF ANY OTHER PERSON OR ORGANIZATION?

6. DID THE ORGANIZATION USE THE SERVICES OF A PROFESSIONAL FUNDRAISER? (ATTACH FORM IFC.)

7. DID THE ORGANIZATION ALLOCATE THE COST OF ANY SOLICITATION, MAILING, ADVERTISEMENT OR LITERATURE COSTS BETWEEN PROGRAM SERVICE AND FUNDRAISING EXPENSES?

7a. IF "YES," ENTER (I) THE AGGREGATE AMOUNT OF THESE JOINT COSTS \$ _____ (II) THE AMOUNT ALLOCATED TO PROGRAM SERVICES \$ _____ (III) THE AMOUNT ALLOCATED TO FUNDRAISING \$ _____

8. DID THE ORGANIZATION EXPEND ITS RESTRICTED FUNDS FOR PURPOSES OTHER THAN RESTRICTED PURPOSES?

9. HAS THE ORGANIZATION EVER BEEN REFUSED REGISTRATION OR HAD ITS REGISTRATION OR TAX EXEMPTION SUSPENDED OR REVOKED BY ANY GOVERNMENTAL AGENCY?

10. WAS THERE OR DO YOU HAVE ANY KNOWLEDGE OF ANY KICKBACK, BRIBE, OR ANY THEFT, DEFALCATION, MISAPPROPRIATION, COMMINGLING OR MISUSE OF ORGANIZATIONAL FUNDS?

11. LIST THE NAME, ADDRESS AND THE ACCOUNT OF THE FINANCIAL INSTITUTIONS WHERE THE ORGANIZATION MAINTAINS ITS THREE LARGEST ACCOUNTS

12. NAME AND TELEPHONE NUMBER OF CONTACT PERSON

ALL ATTACHMENTS MUST ACCOMPANY THIS REPORT - SEE INSTRUCTIONS

UNDER PENALTY OF PERJURY, I (WE) THE UNDERSIGNED DECLARE AND CERTIFY THAT I (WE) HAVE EXAMINED THIS ANNUAL REPORT AND THE ATTACHED FINANCIAL STATEMENTS AND STATEMENTS AND THE FACTS HEREIN STATED ARE TRUE AND COMPLETE AND FILED WITH THE ILLINOIS ATTORNEY GENERAL AS REQUIRED BY THE STATUTES OF THE STATE OF ILLINOIS RELY THEREUPON, I (HEREBY) FURTHER AUTHORIZE AND AGREE TO SUBMIT MYSELF AND THE REGISTRANT HEREBY TO THE JURISDICTION OF THE STATE OF ILLINOIS

NO DUE TO MUST BE ATTACHED DUE

1. REPORTS AND STATEMENTS DUE

2. MONTHS OF YOUR FISCAL YEAR END

3. REPORTS AND STATEMENTS DUE

4. REPORTS AND STATEMENTS DUE

5. REPORTS AND STATEMENTS DUE

6. REPORTS AND STATEMENTS DUE

ATTORNEY GENERAL
NOTICE OF ADOPTED AMENDMENTS

Form AG990-IL INS **JIM RYAN**
ILLINOIS CHARITABLE ORGANIZATION - FORM AG990-IL FILING INSTRUCTIONS - ATTORNEY GENERAL

As required by Illinois Law, every charity, operating in Illinois, with limited exceptions, must register and file an annual financial report with the Illinois Attorney General's Office. (760 ILCS 55/1-1 §160 and 225 ILCS 460/0.1 §136)

TO COMPLETE AN ANNUAL FINANCIAL REPORT FILING THE FOLLOWING ITEMS MUST BE SUBMITTED

1. **\$15,000 Annual Filing Fee** - make check or money order payable to "ILLINOIS CHARITY BUREAU FUND." (No fee is required if the organization's gross revenue and assets were each less than \$15,000. See below for simplified filing for small organizations.) Filing without proper fees will not be accepted

2. **Form AG990-IL** - amounts on this form should be typed in black and rounded to the nearest dollar. Complete all sections and itemize all items applicable to the organization. An incomplete AG990-IL will be classified as not filed.

Part II, Line 14 - Report all program costs associated with a combined (indraging appeal) to the extent that was allocated to Charitable Program Support. See AG990-IL instructions for more information. If the organization is a religious organization, include the amount reported on the back of the AG990-IL form, question 7(b). You must have and maintain the documentation to support the allocations made.

Part III, Line 5 - List all fees paid to all fundraising consultants during the year. **Attach** a list of these consultants using the name and address of the Consultant and the total of all fees paid.

3. **IRS Return or Report** (IRS 990, 990EZ, 990T/E, or other) - Submit a copy of the Federal Return you filed. If you did not file a Federal Return or Report, explain why. **Attach** explanation.

4. **Audited Financial Statements** - are required if gross contributions exceeded \$150,000 **or** if the organization used a paid professional fundraiser and an officer or director of the organization. If the organization used a paid professional fundraiser and an officer or director of the organization, the gross contributions include the gross sums paid by the public for mercantile, rights or services of the organization, as well as cash donations.

5. **Form IFC - Attorney General Report of Individual Fundraising Campaign** - If the organization used a paid professional fundraiser and an officer or director of the organization, the gross contributions include the gross sums paid by the public for mercantile, rights or services of the organization, as well as cash donations.

ADDITIONAL INSTRUCTIONS:

1. **COPIES** - Include COPI on reports and all correspondence. Upon registration a charitable organization number was assigned (COP 01-XXXX-XXXX), if not printed on the form, please insert your COP on the top of the first page of the AG990-IL. Correct any preprinted name or address information that is incorrect or out of date.
2. **PROGRAM SERVICE CODES** - Select up to three codes from those on back of these instructions which best describe the program services for which the organization spent funds. Enter description(s) and code number(s) in Part V of the AG990-IL.
3. **SIGNATURES** - The signatures of two different officers (president or other authorized officer and the chief fiscal officer) or of two trustees are required on the back side of the AG990-IL. One signature shall be accepted if there is only one officer or trustee.
4. **DUE DATE** - The annual financial report and fee are due within six months of the organization's fiscal or calendar year end. A request for extension of the due date can be requested. The extension request must be in writing and received by our office prior to the due date.
5. **LATE REPORT FILING FEE** - If a proper and complete annual report along with all fees and attachments is not received prior to the due date, a \$100.00 late fee will be assessed. If the annual report is not received by Illinois law. The report cannot be accepted and will not be considered filed if it is late and the late fee is not paid.
6. **File the original AG990-IL**, one copy of the attachments and applicable fees with the

OFFICE OF THE ATTORNEY GENERAL
CHARITABLE TRUST BUREAU
ATTORNEY GENERAL REPORTING SECTION
400 WEST RANDOLPH STREET, 3RD FLOOR
CHICAGO, ILLINOIS 60601-1375
(312) 814-2555

(underscored)

ATTORNEY GENERAL
NOTICE OF ADOPTED AMENDMENTS

Charitable activity code numbers (select up to three codes which best describe the activity and/or the program service for which your organization expends funds). Enter in Part V of the first page of the AG 990-IL. Enter first the code which most accurately identifies you

SCHOOLS

- 001 Pre-School or High Schools
- 002 College & Universities
- 003 Trade Schools, Vocational Schools & Job Training
- 004 Other Public Policy

PUBLIC EDUCATION OTHER THAN SCHOOLS

- 010 Seminars and Conferences
- 011 Other Educational Materials for the Public

RELIGIOUS ACTIVITIES

- 020 Church, Synagogue, etc
- 021 Missionary Activities

CULTURAL AND HISTORICAL

- 030 Performing Arts (Ballet, Symphony, Theater)
- 031 Art and/or Literature
- 032 Museum
- 033 Library
- 034 Historical Societies

RECREATIONAL & SOCIAL ACTIVITIES

- 040 Youth
- 041 Adult - Groups & Youth Bands
- 042 Youth Clubs (i.e. Boy Scouts, Girl Scouts, 4-H, Boys Club, etc.)
- 043 Community Recreational Facilities

RESEARCH

- 050 Health Disease Research
- 051 Cancer Research
- 052 Other Medical and Disease Research

HEALTH FACILITIES

- 060 Hospital
- 061 Nursing Homes
- 062 Health Clinics
- 063 HMO
- 064 Hospice

ANIMAL WELFARE

- 070 Animal Shelter
- 071 Wildlife Preservation & Shelter for Wildlife

ENVIRONMENT

- 080 Preservation/Conservation of Natural Resources
- 081 Prevention of Pollution

CIVIC ACTIVITIES

- 090 Legal Services and Legal Aid
- 091 Civil Rights Activities

PUBLIC POLICY

- 100 Lobbying & Advocacy
- 102 Consumer Interest Group (non-education)
- 103 Race
- 104 Other Public Policy

HUMAN SERVICES

- 110 Day Care Centers
- 111 Family and Individual Services
- 112 Neighborhood and Community Development
- 113 Programs for the Elderly
- 114 Programs for Minority Advocacy
- 115 Programs for Needs Children
- 116 Rescue and Emergency Service
- 117 Services for the Aging
- 118 Services for the Deaf or Deaf-Blind
- 119 Services for Blind Adults
- 120 Services for Blind Children
- 121 Services for Developmentally Disabled Adults
- 122 Services for Developmentally Disabled Children
- 123 Services for Handicapped Adults
- 124 Services for Handicapped Children
- 125 Services for the Hearing Impaired
- 126 Services for the Poor
- 127 Services for Veterans

HOUSING

- 130 Housing for Youth
- 131 Housing for the Poor
- 132 Housing for the Aged
- 133 Housing for the Disabled
- 134 Housing for the Disabled

BENEFITTING PUBLIC SAFETY EMPLOYEES & FAMILY

- 140 Prisoners & Families
- 141 Law Enforcement Personnel & Families

ACTIVITIES INVOLVING OTHER ORGANIZATIONS

- 150 Grants to Other Charitable Organizations
- 151 Fundraising for or in Relation to Other Organizations
- 152 Unaffiliated Person Organization

OTHER PROGRAM SERVICES

- 200 Scholarship and Student Loans

MISCELLANEOUS PROGRAM SERVICES

- 300 (Write in Description)

(underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14684, effective 01/01/2000)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400. ILLUSTRATION B Report of Individual Fundraising Campaign

Form IFC

REPORT OF INDIVIDUAL
FUNDRAISING CAMPAIGNJIM RYAN
ATTORNEY GENERAL

CHARITY:

Name	Campaign Description	and Address
Mailing Address	COM ID	
City, State, Zip Code	Phone #	
Center Phone	Phone #	
PROFESSIONAL FUND RAISER (PFR):		
Name	Title	PFIR #02

NATURE OF FUNDRAISING ACTIVITY:

A Amount received by the charitable organization

A \$

B Expenses

	PFR	PAID BY	Charity
1 Professional fundraiser fee			
2 Solicitor Compensation			
3 Salaries			
4 Printing			
5 Postage			
6 Telephone			
7 Rent & Utilities			
8 Supplies			
9 Travel			
10			
11			
12			

(3) TOTAL EXPENSES (PFR + Charity) 13

C Total Amount Raised

D Percentage of funds received by charity (Line A divided by Line C)

E Bank and account number where funds are deposited

F Who (charity or PFR) has signature control of the accounts listed above?

G Attach a schedule explaining, in detail, how expenses are allocated between fundraising campaigns.

We, the undersigned, declare and certify under penalty that we have examined this report, including all the schedules and statements, and the facts herein stated are true and complete and filed with the Illinois Attorney General for the purpose of having the people of the State of Illinois rest informed.

PFR CAMPAIGN
MANAGER (Print Name)

TITLE

SIGNATURE

DATE

OFFICER, DIRECTOR
OF CHARITY (Print Name)

TITLE

SIGNATURE

DATE

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added: at 24 Ill. Reg. 14.064, effective)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400. APPENDIX B Professional Fund Raiser Forms

Section 400. ILLUSTRATION A Registration Statement and Instructions

Form PFR-01

PROFESSIONAL FUND RAISER
REGISTRATION STATEMENT

JIM RYAN
ATTORNEY GENERAL

For Fiscal Year July 1, _____ Through June 30, _____

Indicate by an "X":

- 1 ☐ A NEW REGISTRATION ☐ RE-REGISTRATION ☐ CHANGE ☐ ADDITION AS OF _____
2 ☐ INDIVIDUAL ☐ PARTNERSHIP or ☐ CORPORATION. Attach Partnership Agreement or Articles of Incorporation.

NAME OF REGISTRANT	PFR NUMBER 02- _____
ADDRESS	PHONE NUMBER / /
CITY, STATE, ZIP CODE	FEDERAL ID NUMBER _____

3 NAME OF CHIEF MANAGEMENT PERSONNEL _____ TITLE _____
(Attach Schedule as needed)

4 NAME & ADDRESS OF ILLINOIS REGISTERED AGENT (Address must be a street address for service)
Name _____ Address _____

5 LIST ALL PRINCIPAL PARTIES, OFFICERS, DIRECTORS, EXECUTIVE PERSONNEL, AND OWNERS OF TEN PERCENT OR MORE OF THE CAPITAL STOCK, ATTACH SCHEDULE as needed INDICATING NAME, STREET ADDRESS, TITLE, % OF INTEREST, BIRTH DATE, DRIVERS LICENSE #, STATE OF ISSUE (for each person listed)

Name	Title	Name	Title
Address		Address	
<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Executive Employee <input type="checkbox"/> Owner % / / Birth Date / /	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Executive Employee <input type="checkbox"/> Owner % / / Birth Date / /	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Executive Employee <input type="checkbox"/> Owner % / / Birth Date / /	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Executive Employee <input type="checkbox"/> Owner % / / Birth Date / /
Drivers License # _____ State _____	Drivers License # _____ State _____	Drivers License # _____ State _____	Drivers License # _____ State _____
Name	Title	Name	Title
Address		Address	
<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Executive Employee <input type="checkbox"/> Owner % / / Birth Date / /	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Executive Employee <input type="checkbox"/> Owner % / / Birth Date / /	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Executive Employee <input type="checkbox"/> Owner % / / Birth Date / /	<input type="checkbox"/> Officer <input type="checkbox"/> Director <input type="checkbox"/> Executive Employee <input type="checkbox"/> Owner % / / Birth Date / /
Drivers License # _____ State _____	Drivers License # _____ State _____	Drivers License # _____ State _____	Drivers License # _____ State _____

(underscored)

NOTICE OF ADOPTED AMENDMENTS

6. HAVE ALL PROFESSIONAL SOLICITORS FURNISHED A 1099 OR W2 LAST YEAR? ☐ Yes ☐ No
IF NO, EXPLAIN IN DETAIL: COMPLETE AND ATTACH FORM PS-01.
7. HAVE ANY OF THE FIRM'S PRINCIPAL PARTIES, EMPLOYEES, OFFICERS, DIRECTORS, EXECUTIVE PERSONNEL, OWNERS OF TEN PERCENT OR MORE OF THE CAPITAL STOCK OR THEIR RELATIONS EVER BEEN CONVICTED OF A MISDEMEANOR INVOLVING THE MISAPPROPRIATION OR MISUSE OF MONEY OF ANOTHER, OR OF ANY FELONY? ☐ Yes ☐ No
- IF "YES," INDICATE WHO WAS CONVICTED, THE NATURE OF OFFENSE, DATE OF CONVICTION, AND NAME AND ADDRESS OF COURT.

8. LIST THE INTEREST OF ALL PRINCIPAL PARTIES, OFFICERS, DIRECTORS, EXECUTIVE PERSONNEL, OWNERS OF REGISTRATION AND FUND RAISERS IN ANY OTHER FIRMS PROVIDING GOODS OR SERVICES TO THE FUND RAISER. NAME OF PARTY NAME AND STREET ADDRESS OF BUSINESS

9. COMPLETE & ATTACH FORM PFR-06 FOR ALL CHARITIES HAVING CONTRACTS WITH PFR

ATTACH THE FOLLOWING AS A PART OF REGISTRATION AND INDICATE BY AN "X" THOSE ATTACHED:

- ☐ Partnership Agreement or Articles of Incorporation of Professional Fund Raiser (PFR)
☐ Certificate of Authority to Transact Business in Illinois (Out of state PFRs only)
☐ Form CS-6 (PFR Bond)
☐ Form PS-06 (List of all Charities for whom Fund Raising services are to be provided).
☐ List all business locations, other than above, used for fundraising. (attach a schedule indicating street address, city, state)
☐ All schedules and explanations for any of the above questions.
☐ Copies of all Fund Raising Contracts with Charities including Amendments, and Extensions

NOTE: VERIFICATION MUST BE BY THE CORPORATE PRESIDENT, A GENERAL PARTNER OR THE SOLE PROPRIETOR

STATE OF _____

COUNTY OF _____

-\$

I, _____, AFFIDAVIT

am the CORPORATE PRESIDENT, a GENERAL PARTNER or the SOLE PROPRIETOR of the registered professional fund raiser _____, under penalty of perjury and being sworn on oath state that I am true and correct in the foregoing registration statement and personally know the contents thereof to be true, and each and every attachment, and attached schedule, the content thereof as stated by me and filed by me with the Illinois Attorney General for the purpose of having the people of the State of Illinois rely thereupon. I hereby further authorize and agree to submit myself and the registration hereto to the jurisdiction of the State of Illinois.

Subscribed and sworn to before me

This _____ day of _____, 19 _____

(Signature)

(Print Name & Title)

Notary Public

Attach as many copies of this form and all schedules needed to complete your registration.

Send completed registration to:

Attorney General's Office, Charitable Trust Bureau, 100 West Randolph, 3rd Floor, Chicago, Illinois 60601

(underscored)

NOTICE OF ADOPTED AMENDMENTS

DOCUMENTS A PROFESSIONAL FUND RAISER MUST SUBMIT TO REGISTER WITH THE ILLINOIS ATTORNEY GENERAL'S OFFICE

ALL PROFESSIONAL FUND RAISERS MUST SUBMIT:

1. \$100.00 Registration Fee. Check or Money Order payable to "Illinois Charities Bureau Fund," attached to Form PFR-01.
2. "Professional Fund Raiser Registration Statement" (Form PFR-01).
3. "Professional Fund Raiser (PFR) List of Charities & Contracts" (Form PFR-06).
4. A copy of all contracts listed on Form PFR-06 along with the \$25.00 Annual Filing Fee for Each Contract Filed or on File. Check or Money Order payable to the "Illinois Charities Bureau Fund," attached to Form PFR-06.
5. "Professional Fund Raising Bonds" (Form CS-6) This Form must be filed by all Professional Fund Raisers that have access to or control of funds raised.
6. "Professional Solicitor Registration Statement" (Form PS-01) This Form must be filed for each Solicitor employed by the PFR.
7. Partnership Agreement or Articles of Incorporation of Professional Fund Raiser.
8. Certificate of Authority to Transact Business in Illinois. This must be filed by out of state corporations only.
9. List of all business locations used for fund raising. (Attach a schedule indicating street address, city, state).

Direct the above registration materials, including all required fees payable to the "Illinois Charities Bureau Fund" to:

Office of the Attorney General
Charitable Compliance Section
100 West Randolph Street, 3rd Floor
Chicago, Illinois 60601
(312) 814-2595

Note: Registrations and contracts not filed timely must by law pay a late filing fee of \$1,000.00 for each contract that is not on file with this office.

(underscored)

ATTORNEY GENERAL
NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14 3 8 4, effective 3/1/2006)

ATTORNEY GENERAL
NOTICE OF ADOPTED AMENDMENTS

Section 400. ILLUSTRATION B List of Charities and Contracts

FORM PFR-06 PROFESSIONAL FUND RAISER (PFR) JIM RYAN
Amendment LIST OF CHARITIES & CONTRACTS ATTORNEY GENERAL
For Whom Fund Raising Services Are to be Provided

PFR NAME _____ PFR # 02. _____
MANAGEMENT PERSON(S) WHO PREPARE THIS FORM _____

SUBMIT A COPY OF EACH CONTRACT WITH REGISTRATION
LIST CHARITIES FOR WHOM FUNDRAISING SERVICES ARE TO BE PROVIDED
PROVIDE THE FOLLOWING INFORMATION FOR ALL ACCOUNTS USED TO DEPOSIT FUNDS
SOLICITED FOR OR ON BEHALF OF EACH CHARITY LISTED

Contract Info: C/O _____	Charity Name, City, State _____	Contract/Contract Date Terms: Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct. # _____		Signature/Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Clipping <input type="checkbox"/> Other Describe _____
Contract Info: C/O _____	Charity Name, City, State _____	Contract/Contract Date Terms: Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct. # _____		Signature/Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Clipping <input type="checkbox"/> Other Describe _____
Contract Info: C/O _____	Charity Name, City, State _____	Contract/Contract Date Terms: Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct. # _____		Signature/Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Clipping <input type="checkbox"/> Other Describe _____
Contract Info: C/O _____	Charity Name, City, State _____	Contract/Contract Date Terms: Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct. # _____		Signature/Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Clipping <input type="checkbox"/> Other Describe _____
Contract Info: C/O _____	Charity Name, City, State _____	Contract/Contract Date Terms: Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct. # _____		Signature/Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Clipping <input type="checkbox"/> Other Describe _____

COMPLETE AS MANY COPIES OF FORM PFR-06 AS NEEDED TO LIST ALL CHARITIES FOR WHICH FUND RAISING SERVICES ARE TO BE PROVIDED. A COMPLETED COPY OF THIS FORM MUST BE SUBMITTED WITH EACH NEW CONTRACT FILED.

(underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14884, effective September 1, 2000)

Contract Info: CO# _____	Charity Name, City, State _____	Contract Terms _____	Contract Date Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct # _____		Signature Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Cgling <input type="checkbox"/> Other Describe _____	
Contract Info: CO# _____	Charity Name, City, State _____	Contract Terms _____	Contract Date Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct # _____		Signature Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Cgling <input type="checkbox"/> Other Describe _____	
Contract Info: CO# _____	Charity Name, City, State _____	Contract Terms _____	Contract Date Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct # _____		Signature Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Cgling <input type="checkbox"/> Other Describe _____	
Contract Info: CO# _____	Charity Name, City, State _____	Contract Terms _____	Contract Date Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct # _____		Signature Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Cgling <input type="checkbox"/> Other Describe _____	
Contract Info: CO# _____	Charity Name, City, State _____	Contract Terms _____	Contract Date Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct # _____		Signature Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Cgling <input type="checkbox"/> Other Describe _____	
Contract Info: CO# _____	Charity Name, City, State _____	Contract Terms _____	Contract Date Beginning _____ Ending _____
Bank Account Information: Name of Bank _____ Address of Bank _____ Acct # _____		Signature Control of Bank Acct: <input type="checkbox"/> PFR <input type="checkbox"/> Charity <input type="checkbox"/> Escrow/Cgling <input type="checkbox"/> Other Describe _____	

(underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400. ILLUSTRATION C Bond

Form CS-6



PROFESSIONAL FUND RAISER'S BOND

PLEASE TYPE or PRINT IN INK

KNOW ALL MEN BY THESE PRESENTS:

That we

of

as Principal and

as surety, are held and firmly bound unto the Attorney General of the State of Illinois, for the use of the State of Illinois, and to any person or persons to whom the same may come, our heirs, administrators, successors and assigns, jointly and severally by these presents, that we, the Principal, as a Professional Fund Raiser, in the sum of TEN THOUSAND DOLLARS (\$10,000), lawfully money of the United States of America, to be paid to the Attorney General of the State of Illinois for the use of the State of Illinois, and for charitable purposes, and to any person who may have a cause of action against the Principal for any malfeasance or misfeasance in the conduct of solicitation by the Principal as a Professional Fund Raiser, as their interests may appear, and to the heirs, administrators, successors and assigns of the Principal, jointly and severally, that we, the Principal, our heirs, administrators, successors and assigns, jointly and severally by these presents

WHEREAS, the above bounden Principal has applied to the Attorney General of the State of Illinois for registration as a Professional Fund Raiser for the purpose of acting as a Professional Fund Raiser for the State of Illinois, and has received from the Attorney General of the State of Illinois and the act ancillary thereto and supplemental thereto for Charitable Purposes, of the State of Illinois and the act ancillary thereto and supplemental thereto

NOW, the condition of this obligation is such,

That if the Attorney General of the State of Illinois does require the above bounden Principal as such Professional Fund Raiser and said Principal lawfully and honestly acts as such Professional Fund Raiser in accordance with law, and fully complies with the provisions of "An Act to Regulate Solicitation and Collection of Funds for Charitable Purposes" of the State of Illinois and the act ancillary thereto and supplemental thereto, and if the Principal shall fully indemnify and save harmless from loss of the State of Illinois and any person who may have a cause of action against the Principal for any malfeasance or misfeasance in the conduct of solicitation as such Professional Fund Raiser, then this obligation is a void, otherwise to remain in full force and virtue

This bond shall not become void upon the first recovery thereof but may be used upon from time to time until the full amount thereof shall have been exhausted

THIS BOND IS A SEPARATE BOND AND NOT A CONTINUATION OF A PREVIOUSLY ISSUED BOND.

(underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

This bond is to cover all claims arising on account of the solicitation activities of the Principal and his acting as such Professional Fund Raiser for the full term here signing on _____, 19____ and expiring on the 30th day of the next June

In Witness Whereof we have hereunto set our hands and seal this _____ day of _____, 19____

JSLA:

Principals

Same

BY

ACKNOWLEDGMENT OF INDIVIDUAL

STATE OF _____,)

COUNTY OF _____,) SS

On this _____ day of _____, 19____, before me personally came _____ (to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same

Notary

ACKNOWLEDGMENT OF PARTNERSHIP

STATE OF _____,)

COUNTY OF _____,) SS

On this _____ day of _____, 19____, before me personally came _____ (to me known and known to me to be a partner in the partnership of _____ and the person described in and who executed the foregoing instrument in the partnership name of _____ and he duly acknowledged to me that he executed the same as and for the act and deed of said partnership

Notary

ACKNOWLEDGMENT OF CORPORATION

STATE OF _____,)

COUNTY OF _____,) SS

On this _____ day of _____, 19____, before me personally came _____ (to me known, who being by me duly sworn, did depose and say that he resides in _____, that he is the _____ of the corporation that seal affixed of said instrument in such corporate seal, that it was affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order

Notary

NOTE: If acknowledgment is made outside the State of Illinois, a certificate of the County Clerk, a notary public official, showing authority of the notary public or of other official before whom acknowledgment is made, should be attached

(underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14725.01, effective 12/1/01)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400. ILLUSTRATION E
Report of Individual Fundraising Campaign
Form IFC

JIM RYAN
ATTORNEY GENERAL

CHARITY
Name _____ Campaign Beginning _____ and Ending _____
Mailing Address _____ City, State Zip Code _____
City, State Zip Code _____ Phone # _____
Contact Person _____ Title _____ Phone # _____
PROFESSIONAL FUND RAISER (PFR)
Name _____ PFR #02 _____

NATURE OF FUNDRAISING ACTIVITY _____

A. Amount received by the charitable organization _____

A. \$ _____

B. Expenses

1. Professional Fundraiser fee _____

2. Solicitor Compensation _____

3. Salaries _____

4. Printing _____

5. Postage _____

6. Telephone _____

7. Rent & Utilities _____

8. Supplies _____

9. Travel _____

10. _____

11. _____

12. _____

13. TOTAL EXPENSES (PFR + Charity) _____

B. \$ _____

C. \$ _____

D. \$ _____

E. \$ _____

F. \$ _____

G. \$ _____

H. \$ _____

I. \$ _____

J. \$ _____

K. \$ _____

L. \$ _____

M. \$ _____

N. \$ _____

O. \$ _____

P. \$ _____

Q. \$ _____

R. \$ _____

S. \$ _____

T. \$ _____

U. \$ _____

V. \$ _____

W. \$ _____

X. \$ _____

Y. \$ _____

Z. \$ _____

PFR CAMPAIGN

MANAGED (Print Name) _____

SIGNATURE _____

DATE _____

OFFICER/DIRECTOR

OF CHARITY (Print Name) _____

SIGNATURE _____

DATE _____

DATE _____

DATE _____

DATE _____

DATE _____

DATE _____

We, the undersigned, declare and certify under penalty that we have examined this report (including the receipts and disbursements and the bank statements) and are true and complete and filed with the Illinois Attorney General for the purpose of having a copy of the same of record in a permanent manner.

(undersigned)

ATTORNEY GENERAL
NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14.004, effective 1/1/01)

ATTORNEY GENERAL
NOTICE OF ADOPTED AMENDMENTS
Section 400. ILLUSTRATION P Professional Solicitor Compensation Report
Form PFR-04 JIM EVAN
ATTORNEY GENERAL

PROFESSIONAL SOLICITOR
COMPENSATION REPORT

FOR THE PERIOD ENDING _____

PFR NAME _____ PFR NO. _____

CHANGES OR ADDITIONS TO THE INFORMATION IN THIS STATEMENT MUST BE SUBMITTED IN THIS FORMAT

1. LIST ALL SOLICITORS EMPLOYED BY YOU DURING THE PERIOD COVERED BY YOUR ANNUAL FINANCIAL REPORT

PROFESSIONAL SOLICITOR NAME & ADDRESS	SOCIAL SECURITY #	AREA CODE	TELEPHONE #	AMOUNT PAID	MARKS % (RE)
ADDRESS					
ADDRESS					
ADDRESS					
ADDRESS					
ADDRESS					
ADDRESS					
ADDRESS					
ADDRESS					
ADDRESS					
ADDRESS					

2. TOTAL NUMBER OF SOLICITORS EMPLOYED _____
3. TOTAL AMOUNT PAID TO ALL SOLICITORS EMPLOYED DURING THIS PERIOD \$ _____
4. TOTAL NUMBER OF MAN HOURS WORKED BY PROFESSIONAL SOLICITORS DURING THIS PERIOD _____
5. DESCRIBE IN DETAIL HOW SOLICITORS ARE PAID. PROVIDE INFORMATION DESCRIBING THE SALARY, STRUCTURE OF ALL PROFESSIONAL SOLICITORS EMPLOYED BY YOU DURING THIS PERIOD (I.E. HOURLY RATE, COMMISSION, SALARY, OTHER).

6. WERE ALL PROFESSIONAL SOLICITORS FURNISHED A 1999 OR A W-2 LAST YEAR? YES ☐ NO ☐ IF NO EXPLAIN IN DETAIL _____
7. WERE ALL PROFESSIONAL SOLICITORS EMPLOYED BY YOU REGISTERED WITH THE ILLINOIS ATTORNEY GENERAL? YES ☐ NO ☐ IF NO EXPLAIN _____

ATTORNEY GENERAL
NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 1134, effective

PPFR NAME:

PDFGEO?

GIVE A DETAILED DESCRIPTION OF THE SERVICES RENDERED FOR CAMPAIGN DRIVE, OR EVENT HELD OR ORGANIZED BY YOUR ORGANIZATION FOR THE PURPOSE OF RAISING FUNDS FOR A CHARITABLE ORGANIZATION

3. GIVE A DETAILED DESCRIPTION OF THE BASIS USED TO DETERMINE YOUR OWN ORGANIZATION'S COMPENSATION FOR SERVICES RENDERED ON EACH FUNDRAISING CAMPAIGN HELD OR ORGANIZED BY YOUR ORGANIZATION (I.E. PERCENTAGE OF FUNDS RAISED, TIME SPENT, RESOURCES USED, ETC.) (SEE CONTRACT IS NOT ACCEPTABLE)

ATTORNEY GENERAL
NOTICE OF ADOPTED AMENDMENTS

Section 400. ILLUSTRATION G Explanation of Professional Fundraising Fees

FOR THE PERIOD ENDING

(underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14024, effective SEP 21 2000)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

Section 400 APPENDIX C Professional Solicitor Forms

Section 400. ILLUSTRATION A Registration Statement

Form PS-4)

PROFESSIONAL SOLICITOR —REGISTRATION STATEMENT—

JIM RYAN
ATTORNEY GENERAL

PLEASE TYPE OR PRINT IN BLACK INK. Respond to all items. (If unable to answer in the space provided attach a schedule to the next form.) Changes of or additions to the information in this statement are to be submitted at this time. Due to the large volume of reports and registrations handled by this division, we will not consider a renewal registration. This form must be completed and submitted to the Attorney General's Office. One copy of this Registration Statement and enclosures are to be filed with the Attorney General's Office, Charitable Trust and Solicitations Bureau, 100 West Randolph Street, Chicago, Illinois 60601.

1 THIS IS A (CHECK ONE AND DATE) _____
NEW REGISTRATION () REREISTRATION () CHANGE () ADDITION () AS OF _____

2 LEGAL NAME _____

3 MAIL ADDRESS _____

CITY STATE ZIP CODE _____

PHONE NUMBER _____

SOCIAL SECURITY NUMBER _____

NAME OF FEE _____

4 THIS PROFESSIONAL SOLICITOR INTENDS TO BE EMPLOYED BY (PFR) _____

5 A STREET ADDRESS (if different than above) _____

6 BIRTH DATE _____ DRIVERS LICENSE NO. _____ STATE OF ISSUE _____

7 IF THE ADDRESS ABOVE IS NOT IN ILLINOIS LIST PRINCIPAL ILLINOIS ADDRESS, IF ANY _____

A STREET ADDRESS ONLY (NOT A P.O. BOX) _____

8 LIST NAME AND DAYTIME TELEPHONE NUMBER OF A FAMILY MEMBER OR ANOTHER PERSON WHO CAN CONTACT YOU IN THE EVENT YOU ARE NO LONGER AT THE ABOVE ADDRESS _____

RELATIONSHIP _____

9 LIST ALL PAST PRESENT AND ANTICIPATED EMPLOYMENT AS A PROFESSIONAL SOLICITOR FROM THE BEGINNING OF THE FISCAL YEAR INDICATE ALL TERMS OF COMPENSATION BE SPECIFIC INDICATE ACTUAL RATE PER HOUR, % OF FUNDS OR OTHER ARRANGEMENTS _____

NAME AND ADDRESS OF PROFESSIONAL FUND RAISER _____

TERMS OF COMPENSATION _____

FROM AND TO DATE (month/day/year) _____

10 ARE YOU LICENSED, REGISTERED OR HAVE A PERMIT FROM ANY OTHER STATE OR GOVERNMENTAL BODY FOR SOLICITING FUNDS FOR CHARITABLE ORGANIZATIONS? ☐ YES ☐ NO IF YES COMPLETE THE FOLLOWING:

NAME AND ADDRESS OF STATE OR GOVERNMENT _____ DATE OF AUTHORIZATION _____

11 ARE YOU TO RECEIVE, FOR TAX PURPOSES, A W-2 OR 1099 FROM PFR? ☐ YES ☐ NO

12 HAS ANY LICENSE OR PERMIT BEEN DENIED, CANCELLED OR REVOKED OR HAS ANY ACTION BEEN TAKEN AGAINST YOU IN CONNECTION WITH SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES? ☐ YES ☐ NO IF YES COMPLETE THE FOLLOWING:

NAME AND ADDRESS OF GOVERNMENTAL AGENCY _____ NATURE AND DATE OF ACTION _____

13 ARE YOU AN EMPLOYEE OF OR INDEPENDENT CONTRACTOR WITH THE PER? _____

14 HAVE YOU EVER BEEN CONVICTED OF A CRIME INVOLVING THE MISUSE OR THEFT OF MONEY? ☐ YES ☐ NO

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

AFFIDAVIT OF INDIVIDUAL

STATE OF _____)
COUNTY OF _____) SS

BEING DULY SWORN
DEPOSES AND SAYS THAT SHE IS THE INDIVIDUAL WHO HAS MADE THE FOREGOING PROFESSIONAL SOLICITOR'S
REGISTRATION STATEMENT AS REQUIRED BY SECTION 8 OF "AN ACT TO REGULATE THE SOLICITATION AND COLLECTION
OF FUNDS FOR CHARITABLE PURPOSES" THAT SHE HAS READ THE FOREGOING REGISTRATION STATEMENT AND
KNOWS THE CONTENTS THEREOF THAT SHE IS AUTHORIZED TO VERIFY THIS REGISTRATION STATEMENT, THAT THE
SAME IS TRUE TO HER OWN KNOWLEDGE, AND THAT THE STATEMENT WAS MADE FOR THE PURPOSE OF COMPLYING
WITH THE REQUIREMENTS OF SECTION 8 OF SAID ACT

Subscribed and sworn to before me,

this _____ day of _____, 19____ (Signature)

NOTARY PUBLIC

NOTE: If sworn to outside the State of Illinois, a certificate of the County Clerk or other proper official, showing authority of the notary public or other official before whom the oath is administered, shall be attached.

AFFIDAVIT BY PROFESSIONAL FUND RAISER

STATE OF _____)
COUNTY OF _____) SS

BEING DULY SWORN
DEPOSES AND SAYS THAT SHE IS THE (Title of Office)
OF THE (Name of Corporation)
OR MEMBER OF THE FIRM OF (Partner or Association)
OR THE INDIVIDUAL WHO OR WHICH HAS OR INTENDS TO EMPLOY THE FOREGOING PROFESSIONAL SOLICITOR WHO IS
REGISTERING AS REQUIRED BY SECTION 8 OF "AN ACT TO REGULATE THE SOLICITATION AND COLLECTION OF FUNDS
FOR CHARITABLE PURPOSES" THAT SHE HAS READ THE FOREGOING REGISTRATION STATEMENT AND KNOWS THE
CONTENTS THEREOF THAT SHE IS AUTHORIZED TO VERIFY INFORMATION IN THIS REGISTRATION STATEMENT IS THE
SAME AS IN THE EMPLOYMENT RECORDS OF THE PROFESSIONAL FUND RAISER, AND THAT THE STATEMENT WAS MADE
FOR THE PURPOSE OF COMPLYING WITH THE REQUIREMENTS OF SECTION 8 OF SAID ACT

Subscribed and sworn to before me,

this _____ day of _____, 19____ (Signature)

NOTARY PUBLIC

NOTE: If sworn to outside the State of Illinois, a certificate of the County Clerk or other proper official, showing authority of the notary public or other official before whom the oath is administered, shall be attached.

(underscored)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. _____ effective _____)

ATTORNEY GENERAL

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 24 Ill. Reg. 14084, effective SEP 21 2000)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Mortgage Guaranty Insurance
- 2) Code Citation: 50 Ill. Adm. Code 202
- 3) Section Number: Adopted Action:
202.20 Amended
202.30 Amended
- 4) Statutory Authority: Implementing Article II and authorized by Sections 4 and 401 of the Illinois Insurance Code [215 ILCS 5/4, 6 through 35, and 401].
- 5) Effective Date of Amendment: September 25, 2000
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 19, 2000, 24 Ill. Reg. 7457
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:
- a) In Section 202.30(b)(2), within the parenthetical reference, strike ";" and add " " in lieu thereof.
- b) In Section 202.30(b)(7), strike "herein" at the end of the first sentence.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace an emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: Cleanup of existing regulations and removal of the limitation placed in the definition of "Authorized real estate security", which currently prohibits mortgage insurance companies from offering insurance for 100% value of the real estate.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted amendment shall be directed to:

Chuck Feinen
Staff Attorney
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 782-2867

The full text of the adopted amendments begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER b: DOMESTIC STOCK COMPANIES

PART 202
MORTGAGE GUARANTY INSURANCE

Section	Authority and Application
202.10	Definitions
202.20	Restrictions on the Transaction of Business
202.30	Reinsurance
202.40	Reserves
202.50	General
202.60	

ILLUSTRATION A Unearned Premium Factor to be Applied to Premiums In Force on Valuation Date

AUTHORITY: Implementing Article II and authorized by Sections 4 and 401 of the Illinois Insurance Code [215 ILCS 5/4, 6 through 35, and 401].

SOURCE: Adopted at 3 Ill. Reg. 50, p. 265, effective December 3, 1979; emergency repealer and emergency rule adopted at 6 Ill. Reg. 5830, effective April 23, 1982, for a maximum of 150 days; rules repealed and new rules adopted and codified at 6 Ill. Reg. 15181, effective December 7, 1982; amended at 10 Ill. Reg. 14672, effective August 25, 1986; emergency amendment at 24 Ill. Reg. 7557, effective May 3, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 14738, effective SEP 5 2000.

Section 202.20 Definitions

"Authorized real estate security" means a promissory note, bond or other evidence of indebtedness which, at the time of origination, does not, when added to any prior secured indebtedness relating to the real estate, exceed 100% ninety-five-per-cent--(95%) of the fair market value of said real estate--for-first--liens--and--ninety--(90%)--for--all--other--liens, and which is secured by mortgage, deed of trust, or other instrument constituting a lien or charge, provided such indebtedness represents a type of loan authorized to be made by a bank, savings and loan association, insurance company and, in the case of residential loans only, mortgage bankers regulated and supervised by a department of the State of Illinois or by an agency of the federal government of the United States of America.⁷

"Director" means the Director of Insurance of the State of Illinois or anyone to whom the Director's responsibilities and authority are lawfully delegated.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

"Fair market value" means the lesser of sales price or appraised value.⁷

"Mortgage guaranty insurance" means insurance against financial loss by reason of the nonpayment of principal, interest and other sums agreed to be paid under the terms of:

A promissory note, bond or other evidence of indebtedness secured by a mortgage, deed of trust or other instrument constituting a lien or charge on improved one to four family residential or commercial real estate, including, without limitation, condominiums and owner-occupied mobile homes;

A promissory note, bond or other evidence of indebtedness secured by a mortgage, deed of trust, pledge or other instrument constituting a lien or charge on shares of stock evidencing ownership of a residential cooperative housing unit; or

A written lease for the possession, use or occupancy of improved residential or commercial real estate.⁷

"Mortgage pool insurance" means mortgage guaranty insurance written on a group of loans insuring each one individually but which limits liability to an agreed percentage of all loans in the group.⁷

"Reserves" shall have the following meanings:

Reserves for policyholders means surplus as regards policyholders and contingency reserves as reported in the last filed annual financial statement;

Reserve for general expenses required by Section 202.50(a) of this Part hereunder;

Reserve for losses outstanding required by Section 202.50(b) of this Part hereunder;

Reserve for unearned premiums required by Section 202.50(c) of this Part hereunder.

(Source: Amended at 24 Ill. Reg. 14738, effective January 1, 1981)

Section 202.30 Restrictions on the Transaction of Business

a) A company shall not transact the business of mortgage guaranty insurance unless it originally has and continues to have capital and surplus of at least the amounts specified in Section 13 of the

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Illinois Insurance Code.

b) A mortgage guaranty insurance company:

- 1) Shall not insure loans with balloon provisions unless either:
 - A) liability for the balloon payment is specifically excluded; or
 - B) the policy provides, by its terms, that at the time the lender calls the loan, the lender will cause to be offered new or extended financing at then market rates.
- 2) Shall not, at any one time, have more than twenty-percent-~~t~~ 20% of its insurance in force net of reinsurance ceded but including reinsurance assumed, on adjustable rate loan instruments which establish payments insufficient to fully amortize the loan over its term and negatively amortizing graduated payment mortgage which, at any time during the term of mortgage, causes the outstanding indebtedness to exceed 100% 95% of the initial fair market value of the real estate, thereby causing the outstanding loan balance to increase following loan origination (vis~~r~~ "dual rate" mortgages).
- 3) Shall not insure mortgages referred to in subsection Section 202.30(b)(2) above which:
 - A) Permit the accumulation of negative amortization of principal to an amount exceeding 120% of the initial fair market value, or
 - B) Provide for the borrower to make payment in an amount less than which would be required for the full amortization of the mortgage at an interest rate of 10%, or
 - C) Were established under agreements which authorize the lender to bind coverage on the insurer's behalf without prior underwriting by the insurer.
- 4) Shall not, at any one time following two years from receipt of its Initial Certificate of Authority from its state of domicile, have more than 40-percent-~~t~~ 10% of its insurance in force, net of reinsurance ceded but including reinsurance assumed, on loans originating from any one lender.
- 5) Which writes residential mortgage guaranty insurance shall not, either directly or indirectly, have at any time more than twenty-percent-~~t~~ 20% of its insurance in force on commercial properties.⁷
- 6) Shall not assume reinsurance in an amount exceeding twenty-percent-~~t~~ 20% of the company's total insurance in force.
- 7) Shall maintain a policyholders reserve in an amount no less than the amount arrived at by the calculations set forth in this subsection (b)(7) below and if its policyholders reserve is less than that said amount it shall discontinue all writing of business until its policyholders reserve equals or exceeds the minimum amount herein required in this subsection (b)(7). The required policyholders reserve shall be calculated in the following manner:

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- A) subject to the provisions of subsections (b)(7)(B), (C), (D), (E), (F), and (G) of this Section hereunder, if the indebtedness is:
- i) ~~seventy-five percent--~~ 75% or greater of the value of the securing property:

Policyholders Reserve	
Per Cent	Per \$100 of the
Coverage	Face Amount of
	The Mortgage
5%	\$.20
10	.40
15	.60
20	.80
25	1.00
30	1.10
35	1.20
40	1.30
45	1.35
50	1.40
55	1.50
60	1.55
65	1.60
70	1.65
75	1.75
80	1.80
85	1.85
90	1.90
95	1.95
100	2.00

- ii) ~~Fifty--percent--~~ 50% or greater but less than 75% ~~seventy-five~~ of the value of the securing property, the required amount of the policyholders reserve shall be ~~fifty--percent--~~ 50% of the amount required by subsection (b)(7)(A)(i) above; and
- iii) less than ~~fifty--percent--~~ 50% of the value of the securing property, the required amount of the policyholders reserve shall be ~~twenty-five--percent--~~ 25% of the amount required by subsection (b)(7)(A)(i) above.⁷

B) In the case of mortgage pool insurance:⁷

- i) If the total aggregate indebtedness of the group of loans covered is ~~seventy-five--percent--~~ 75% or greater of the total aggregate value of the securing properties after giving appropriate credit for any primary mortgage guaranty insurance thereon and/or

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deductibles:

Policyholders Reserve	
Per Cent	Per \$100 of the
Coverage	Face Amount of
	The Mortgage
1%	\$.60
5	1.00
10	1.20
15	1.30
20	1.40
25	1.50
30	1.55
40	1.60
50	1.65
60	1.70
70	1.75
80	1.80
85	1.85
90	1.90
100	2.00

- ii) If the total aggregate indebtedness of the group of loans covered is ~~fifty--percent--~~ 50% or greater but less than ~~seventy-five--~~ 75% of the total aggregate value of the securing properties after giving appropriate credit for any primary mortgage guaranty insurance thereon and/or deductibles, the required amount of policyholders reserve shall be ~~twenty-five percent--~~ 25% of the amount required by subsection (b)(7)(B)(i) above;⁷ and
- iii) If the total aggregate indebtedness of the group of loans covered is ~~fifty--percent--~~ 50% of the total aggregate value of the securing properties after giving appropriate credit for any primary mortgage guaranty insurance and/or deductibles, the required amount of policyholders reserve shall be ~~fifty--percent--~~ 50% of the amount required by subsection (b)(7)(B)(i) above; and

C) In the case of: ⁷

- i) mortgage guaranty insurance covering loans secured by liens other than first liens, the policyholders reserve shall be calculated in accordance with subsection (b)(7)(A) above after first dividing the insured portion of the junior loan by the entire loan indebtedness on the securing property to determine the percentage coverage and then dividing the total of all

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loans on the securing property to determine the percentage of loan-to-value ratio; and (4) mortgage pool insurance on a group of loans secured by liens other than first liens, the policyholders reserve shall be calculated in accordance with subsection (b)(7)(B) above after the percentage of coverage and loan-to-value ratios have been determined.

D) In the case of mortgage guaranty insurance covering all of the risk in excess of a fixed percentage of the initial fair market value of the real estate, the required amount of policyholders reserve shall be ~~one-hundred-twenty-five percent--t 125%~~ of the amount required under subsection (b)(7)(A)(i).

E) In the case of mortgage guaranty insurance covering loan installments referenced ~~reference~~ in subsection 89-38(b)(2) above, the required amount of policyholders reserves shall be ~~one-hundred-fifty-percent-t 150%~~ of the amount required under subsection (b)(7)(A). In the case of such mortgage also meeting conditions under subsection (b)(7)(D) above, the required reserve shall be ~~one-hundred-seventy-five percent-t 175%~~ of the amount required under subsection (b)(7)(A)(i).

F) In the case of mortgage guaranty insurance which specifically covers leasehold obligations, the policyholders reserve shall be \$4.00 for each ~~one-hundred-dollars-t \$100~~ of leasehold rentals insured.⁷

G) If a policy of mortgage guaranty insurance or of mortgage pool insurance provides for layers of coverage, deductibles or reinsurance, the required amount of policyholders reserves shall be computed by subtraction of the required policyholders reserve for the lower percentage coverage limit from the required policyholders reserve for the upper or greater coverage limit.

H) All calculations done under subsection (b)(7) shall be done in a uniform and consistent fashion to assure that the policyholders reserve so established and maintained bears a reasonable relationship to the risk undertaken by the company.

8) Shall, in connection with the writing of mortgage guaranty insurance, individually underwrite all loans insured.⁷

9) Which anywhere transact, directly or indirectly, any class of insurance other than mortgage guaranty insurance and/or mortgage pool insurance shall not be permitted to transact any insurance business in the State of Illinois.

10) Shall not declare any dividends except from undivided profits remaining on hand over and above the amount of its policyholders reserve.⁷

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11) Shall adopt, print and make available a schedule of premium charges for mortgage guaranty insurance policies which schedule shall show the entire amount of premium charge for each type of mortgage guaranty insurance policy issued by the company.⁷

12) Shall not pay to any person who is acting as agent, representative, attorney or employee of the owner, mortgage of the prospective owner, or mortgagee of real property or any interest therein, either directly or indirectly, any commission, or any part of its premium charges or any other consideration as an inducement for or as compensation on any mortgage guaranty insurance policy.⁷

13) Rebates

No mortgage guaranty company shall make any rebate of any portion of the premium charge shown by the schedule required by subsection (b)(11). No mortgage guaranty company shall quote any premium charge to any person which is less than that currently available to others for the same type of mortgage guaranty insurance policy. The amount by which any premium charge is less than that called for by the current schedule of premium charge is an unlawful rebate.

c) Whenever a mortgage guaranty company provides coverage exceeding 30% of the mortgage indebtedness at the time foreclosure proceedings are completed and title to the authorized real estate security is vested in such assured, unless the coverage provides that the lender be a not less than 5% co-insurer of losses, no mortgage guaranty insurer shall permit an insured to bind coverage on its behalf and shall not assume contracts of insurance without first individually underwriting each mortgage loan insured.

d) A mortgage guaranty insurance company:

1) Must not have a total liability, net of reinsurance, of mortgage pool insurance on mortgages from any one originating lender which exceeds 10% of the mortgage guaranty insurance company's surplus, including contingency reserve.

2) Shall not permit substitutions in a pool of mortgages and shall not permit additions to a pool of mortgages after ~~three--t 3~~ years following the issuance of a policy providing mortgage pool insurance.

e) An insurance company with multiple line authority that transacts insurance business other than mortgage insurance and/or mortgage pool insurance is prohibited, either directly or indirectly, from transacting mortgage insurance and/or mortgage pool insurance in the State of Illinois.

(Source: Amended ^{10/81} 24 Ill. Reg. ~~24~~ ²⁴ ~~14~~ ¹⁴ ~~8~~ ⁸ effective

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- 1) Heading of the Part: Nonhazardous Special Waste Hauling and the Uniform Program

- 2) Code Citation: 35 Ill. Adm. Code 809

- 3) Section Numbers: Adopted Action:

809.103 Amended
809.204 Amended
809.208 Amended
809.211 Amended
809.401 Amended
809.501 Amended

- 4) Statutory Authority: 415 ICS 5/27

- 5) Effective Date of Amendments: September 25, 2000

- 6) Do these rulemakings contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? Yes. See Section 809.103. All incorporations are pursuant to Section 5-75 of the Illinois Administrative Procedure Act.

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's Chicago office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: April 7, 2000, 24 Ill. Reg. 5854.

- 10) Has JCRC issued a Statement of Objection to these amendments? No

- 11) Differences between proposal and final version: JCRC suggested several nonsubstantive typographical changes which the Board included in the final version.

- 12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreements letter issued by JCRC? Yes

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: A more detailed discussion of these proposed rules is contained in the Board's opinion and order in R00-18, which the Board adopted on September 7, 2000. The opinion and order is available from the address at item (16) below

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This rulemaking makes certain technical changes to Part 809 of the Board's rules that were a part of the dismissed predecessor docket R99-18. Those changes are:

- i. The definition of "on-site" at Part 809.103 as proposed by the Illinois Environmental Protection Agency in Public Comment 21 of docket R99-18. The proposed change will make the State and federal definitions of "on-site" identical.

- ii. Corrections of typographical errors identified by JCRC in Part 809 at the close of docket R98-29. See in the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998), R98-29. The Board had planned to include these changes in a second order for docket R99-18 but could not because the Board dismissed that docket instead. The Board, therefore, includes the corrections from docket R98-29 in the instant docket.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Joel Sternstein
100 W. Randolph Street
James R. Thompson Center
Suite 11-500
Chicago, Illinois 60601
(312) 814-3665

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to the Docket number R00-18 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us).

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 809
NONHAZARDOUS SPECIAL WASTE HAULING AND THE
UNIFORM PROGRAM

SUBPART A: GENERAL PROVISIONS

Authority, Policy and Purposes
Severability
Definitions
Incorporations by Reference
Public Records

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

Nonhazardous Special Waste Hauling Permits - General
Applications for Nonhazardous Special Waste Hauling Permit - Contents
Applications for Nonhazardous Special Waste Hauling Permit - Signatures and Authorization
Applications for Nonhazardous Special Waste Hauling Permit - Filing and Final Action by the Agency
Nonhazardous Special Waste Hauling Permit Conditions
Nonhazardous Special Waste Hauling Permit Revision
Transfer of Nonhazardous Special Waste Hauling Permits
Nonhazardous Special Waste Hauling Permit Revocation
Permit No Defense
General Exemption from Nonhazardous Special Waste Hauling Permit Requirements
Exemptions for Nonhazardous Special Waste Transporters
Duration of Nonhazardous Special Waste Hauling Permits

SUBPART C: DELIVERY AND ACCEPTANCE

Requirements for Delivery of Nonhazardous Special or Hazardous Waste to Transporters
Requirements for Acceptance of Nonhazardous Special or Hazardous Waste from Transporters

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Permit Availability
Nonhazardous Special Waste Symbols

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Permit Availability
Nonhazardous Special Waste Symbols

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Manifests, Records, Access to Records, and Reporting Requirements and Forms

SUBPART F: DURATION OF PERMITS AND TANK NUMBERS

Duration of Special Waste Hauler Permits and Tank Numbers (Repealed)

SUBPART G: EMERGENCY CONTINGENCIES FOR SPILLS

General Provision

SUBPART H: EFFECTIVE DATES

Compliance Date
Exceptions (Repealed)

SUBPART I: HAZARDOUS (INFECTIOUS) HOSPITAL WASTE

Definitions (Repealed)
Disposal Methods (Repealed)
Rendering Innocuous by Sterilization (Repealed)
Rendering Innocuous by Incineration (Repealed)
Recordkeeping Requirements for Generators (Repealed)
Defense to Enforcement Action (Repealed)

SUBPART J: UNIFORM PROGRAM

Uniform State Hazardous Waste Transportation Registration and Permit Program
Application for a Uniform Permit
Application for Uniform Registration
Payment of Processing and Audit Fees
Payment of Apportioned Mile Fees
Submittal of Fees
Previously Permitted Transporters
Uniform Registration and Uniform Permit Conditions
Uniform Registration and Uniform Permit Revision

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809.919 Transfer of Uniform Registration and Uniform Permits
 809.920 Audits and Uniform Registration and Uniform Permit Revocation
 809.921 Permit No Defense

APPENDIX A Old Rule Numbers Referenced (Repealed)

AUTHORITY: Implementing Sections 5, 10, 13, 21, 22, 22.01, and 22.2 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 10, 13, 21, 22, 22.01 and 22.2 and 27] (see P.A. 90-219).

SOURCE: Adopted in R76-10, 33 PCB 131, at 3 Ill. Reg. 13, p. 155, effective March 31, 1979; emergency amendment in R76-10, 39 PCB 175, at 4 Ill. Reg. 34, p. 214, effective August 7, 1980, for a maximum of 150 days; emergency amendment in R80-19, 40 PCB 159, at 5 Ill. Reg. 270, effective January 1, 1981, for a maximum of 150 days; amended in R77-12(B), 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R80-19, 41 PCB 459, at 5 Ill. Reg. 6378, effective May 31, 1981; codified in R81-9, 53 PCB 269, at 7 Ill. Reg. 13640, effective September 30, 1983; recodified in R84-5, 58 PCB 267, from Subchapter h to Subchapter i at 8 Ill. Reg. 13198; amended in R89-13A at 14 Ill. Reg. 14076, effective August 15, 1990; amended in R91-18 at 16 Ill. Reg. 130, effective January 1, 1992; amended in R95-11 at 20 Ill. Reg. 5635, effective March 27, 1996; amended in R98-29 at 23 Ill. Reg. 6842, effective July 1, 1999; amended in R00-18 at 24 Ill. Reg. ~~14747~~ ¹⁴⁷⁴⁷, effective July 1, 1999.

SUBPART A: GENERAL PROVISIONS

Section 809.103 Definitions

"Act" means the Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Base state" means the state in which a hazardous waste transporter must obtain a uniform registration, if required by the base state, and uniform permit.

"Board" means the Illinois Pollution Control Board.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste or special waste into or on any land or water so that such waste or special waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters. [415 ILCS 5/3.08] (Section-3-68-of-the-Act) (See "Waste", "Special Waste.")

"Garbage" means the waste resulting from the handling, processing, preparation, cooking, and consumption of food, and wastes from the

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handling, processing, storage and sale of produce. [415 ILCS 5/3.11] (Section-3-11-of-the-Act) (See "Waste.")

"Hazardous waste" means a waste, or combination of wastes, which because of quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential threat to human health or to the environment when improperly treated, stored, transported or disposed of, or otherwise managed, and which has been identified by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 9601 et seq.) or pursuant to Agency guidelines consistent with the requirements of the Act and Board regulations. Potentially infectious medical waste is not a hazardous waste, except for those potentially infectious medical wastes identified by characteristics or listing as hazardous under Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations. [415 ILCS 5/3.15] (Section-3-15-of-the-Act)

"Hazardous waste transporter" means any person who transports hazardous waste as defined in Section 3.15 of the Act.

"Industrial process waste" means any liquid, solid, semi-solid or gaseous waste, generated as a direct or indirect result of the manufacture of a product or the performance of a service, which poses a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Industrial process waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment cleanings, paint sludges, incinerator ashes, core sands, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris. [415 ILCS 5/3.17] (Section-3-17-of-the-Act)

"Manifest" means the form provided or prescribed by the Agency and used for identifying name, quantity, and the origin, routing, and destination of special waste during its transportation from the point of generation to the point of disposal, treatment, or storage, as required by this Part. 35 Ill. Adm. Code: Subtitle G, or by the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.), or regulations thereunder.

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"Nonhazardous special waste" means any special waste, as defined in this Section, that has not been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976 (42 USC 6956-6901 et seq.) or pursuant to Board regulations.

"Nonhazardous special waste hauling vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, used to transport nonhazardous special waste in bulk or packages, tanks, or other containers.

"Nonhazardous special waste transporter" means any person who transports nonhazardous special waste.

"Off-site" means any site that is not "on-site", as defined in this Section.

"On-site" means (for the purpose of transporting hazardous waste) on the same or geographically contiguous property under the control of the same person even if such contiguous property is that may be divided by a public or private right-of-way. ~~rights-of-way--provided that--entrance--and--exit--between--the--properties--is--at--a--cross--road intersection--and--access--is--by--crossing--as--opposed--to--going--along the--rights-of-way.~~ Non-contiguous properties owned by the same person but connected by a right-of-way that the person controls, and to which the public does not have access, is also considered on-site property.

"Participating state" means a state that has elected to participate in the uniform program and has entered into a reciprocal agreement.

"Permitted disposal site" means a sanitary landfill or other type of disposal site, including but not limited to a deep well, a pit, a pond, a lagoon or an impoundment that which has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the waste tendered for disposal.

"Permitted storage site" means any site used for the interim containment of special waste prior to disposal or treatment that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the Agency specifically permitting the site to accept a special waste tendered for storage.

"Permitted treatment site" means any site used to change the physical, chemical or biological character or composition of any special waste, including but not limited to a processing center, a reclamation facility or a recycling center that has a current, valid operating permit issued by the Agency and a supplemental permit issued by the

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Agency specifically permitting the site to accept a special waste tendered for treatment.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assignee. [415 ILCS 5/3.26] ~~Section 3-26 of the Act~~

"Pollution control waste" means any liquid, solid, semi-solid or gaseous waste generated as a direct or indirect result of the removal of contaminants from the air, water or land, and which pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means. "Pollution control waste" includes but is not limited to water and wastewater treatment plant sludges, baghouse dusts, scrubber sludges and chemical spill cleanings. [415 ILCS 5/3.27] ~~Section 3-27 of the Act~~

"Principal place of business" means the state in which a person owning vehicles used for transporting hazardous waste maintains its central records or majority of its records relating to the transportation of hazardous materials; or the state in which the person owning vehicles used for transporting hazardous waste has the plurality of its mileage.

"Reciprocal agreement" means an agreement between Illinois and another state to participate in the Uniform Program.

"Reclamation" means the recovery of material or energy from waste for commercial or industrial use.

"Refuse" means any garbage or other discarded materials, with the exception of radioactive materials discarded in accordance with the provisions of the Radiation Protection Act [420 ILCS 40] and Radioactive Waste Storage Act [420 ILCS 35/1] ~~as--now--or--hereafter amended.~~ (See "Waste.")

"Septic tank pumpings" means the liquid portions and sludge residues removed from septic tanks.

"Site" means any location, place, ~~or tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations under the Act thereunder.~~ [415 ILCS 5/3.43] ~~Section 3-43 of the Act~~

"Solid waste" (see "Waste").

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"Special waste" means any of the following:

Potentially infectious medical waste;

Hazardous waste, as determined in conformance with RCRA hazardous waste determination requirements set forth in 35 Ill. Adm. Code 722.111, including a residue from burning or processing hazardous waste in a boiler or industrial furnace unless the residue has been tested in accordance with 35 Ill. Adm. Code 726 and proven to be nonhazardous;

Industrial process waste or pollution control waste, except:

Any such waste certified by its generator, pursuant to Section 22.48 of the Act, not to be any of the following:

A liquid, as determined using the paint filter test set forth in subdivision (3)(a) of subsection (m) of 35 Ill. Adm. Code 811.107 (m)(3)(a);

Regulated asbestos-containing waste materials, as defined under the National Emission Standards for Hazardous Air Pollutants in 40 CFR 61.141;

Polychlorinated biphenyls (PCBs) regulated pursuant to 40 CFR 761;

An industrial process waste or pollution control waste subject to the waste analysis and recordkeeping requirements of 35 Ill. Adm. Code 726.107 under the land disposal restrictions of 35 Ill. Adm. Code 726; and

A waste material generated by processing recyclable metals by shredding and required to be managed as a special waste under Section 22.29 of the Act;

Any empty portable device or container, including but not limited to a drum, in which a special waste has been stored, transported, treated, disposed of, or otherwise handled, provided that the generator has certified that the device or container is empty and does not contain a liquid, as determined using the paint filter test set forth in 35 Ill. Adm. Code 811.107(m)(3)(A). "Empty portable device or container" means a device or container in which removal of special waste, except for a residue that shall not exceed one inch in thickness, has been accomplished by a practice commonly employed to remove materials of that type. An

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inner liner used to prevent contact between the special waste and the container shall be removed and managed as a special waste; or

As may otherwise be determined under Section 22.9 of the Act. [415 ILCS 5/3.45] (Section 3-45-of-the-Act)

"Special waste transporter" means any person who transports special waste (as defined in Section 3.45 of the Act) from any location.

"Spill" means any accidental discharge of special waste.

"Storage" means the interim containment of special waste prior to disposal or treatment.

"Tank" means any bulk container placed on or carried by a vehicle to transport special waste, including wheel mounted tanks.

"Treatment" means any method, technique or process, including neutralization designed to change the physical, chemical or biological character or composition of any special waste so as to neutralize that waste or so as to render that waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume. "Treatment" includes any activity or processing designed to change the physical form or chemical composition of special waste to render it less dangerous or nonhazardous. [415 ILCS 5/3.49] "Treatment" also includes reclamation, re-use and recycling of special waste. (Section 3-49-of-the-Act)

"Truck" means any unitary vehicle used to transport special waste.

"Truck tractor" means any motor vehicle used to transport special waste that is designed and used for drawing other devices and not so constructed as to carry a load other than a part of the weight of the device and load so drawn.

"Uniform application" means the uniform registration and uniform permit application form established under the Uniform Program and provided by the Agency.

"Uniform permit" means the permit issued by a base state under Part II of the uniform application.

"Uniform program" means the program established pursuant to the directive of the Hazardous Materials Transportation Uniform Safety Act of 1990 (49 USC 5101 et seq.) and the Hazardous Materials Transportation Authorization Act of 1994 (49 USC 5101 et seq.) and implemented pursuant to the Final Report: Uniform Program

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Pilot Project and the State Program Administrator's Manual, Uniform Program, Alliance for Uniform HazMat Transportation Procedures, incorporated by reference in Section 809.104.

"Uniform registration" means the annual registration issued by a base state under Part I of the uniform application, if the base state has a registration requirement.

"Vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, designed or used for the transportation of hazardous waste. [415 ILCS 5/22-211-5(1)] (Section-22-211-5(1)-of the Act)

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows, or coal combustion by-products as defined in Section 3.94 of the Act, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq. 69 Stat-921) or any solid or dissolved material from any facility subject to the Federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto. [415 ILCS 5/3-53] (Section-3-53-of-the-Act)

(Source: Amended at 24 Ill. Reg. 14747, effective 11/17/2000)

SUBPART B: NONHAZARDOUS SPECIAL WASTE HAULING PERMITS

Section 809.204 Applications for Nonhazardous Special Waste Hauling Permit - Filing and Final Action by the Agency

- a) An application for nonhazardous special waste hauling permit is considered filed on the date the Agency receives a properly completed application on the form prescribed or provided by the Agency and with correct fees.
- b) If the Agency fails to take final action (which includes granting or denying the nonhazardous special waste hauling permit as requested, or by granting the nonhazardous special waste hauling permit with conditions) within 90 days after the date the completed application is filed, the applicant may deem the nonhazardous special waste hauling

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permit granted for a period of one calendar year commencing on the 91st day after the application was filed.

- c) The Agency will send all denials by U.S. Registered or Certified Mail, Return Receipt Requested. All other final Agency decisions may go by regular U.S. Mail ~~mail~~. The Agency will be deemed to have taken final action on the date that the notice of final action is mailed. Within 35 days after of the Agency's final action, the applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of the Act.
- d) The Agency will require the application to be complete. If incomplete, the application will be returned and the transporter will be required to resubmit a complete application. The application must be consistent with the provisions of the Act and Board regulations. The Agency may undertake such investigations and request the applicant to furnish such proof as it deems necessary to verify the information and statements made in the application. If the application is complete and granting it will not violate the Act or Board regulations, the Agency will grant the permit.
- e) When an application is denied because it fails to comply with the Act or Board regulations, any fees submitted with the application will be non-refundable. Any subsequent refiling of the application will be considered a new application for which an application fee must be included in accordance with Section 22.2 of the Act.
- f) When the Agency rejects an application because it is incomplete, any fees submitted will be non-refundable. The applicant can receive credit for the payment with a resubmitted application if the resubmittal is complete and returned to the Agency within 30 days after of the initial date-stamped rejection.

(Source: Amended at 24 Ill. Reg. 14747, effective 11/17/2000)

Section 809.208 Nonhazardous Special Waste Hauling Permit Revocation

Violation of any nonhazardous special waste hauling permit conditions or failure to comply with any provisions of the Act or with any Board regulation will be grounds for sanctions as provided in the Act, including revocation of the permit as ~~therein~~ provided in the Act.

(Source: Amended at 24 Ill. Reg. 14747, effective 11/17/2000)

Section 809.211 Exemptions for Nonhazardous Special Waste Transporters

The following persons need not obtain a nonhazardous special waste hauling permit nor carry a manifest if they haul only the waste indicated:

- a) Any person licensed in accordance with the Private Sewage Disposal Licensing Act [225 ILCS 225] and who hauls only septic tank pumpings.

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- b) Any person who hauls only livestock waste intended for land application pursuant to 35 Ill. Adm. Code 560.
- c) Transporters of municipal water or wastewater treatment plant sludge that is to be applied to land and that is regulated under a sludge management scheme approved by the Agency pursuant to 35 Ill. Adm. Code 309.208.
- d) Any person licensed in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610] and who hauls only grease, meat packing scraps, dead animals and parts of animals for delivery to a renderer.
- e) Any person operating under rules and regulations adopted pursuant to the Illinois "An-Act-in-Relation-to-Oilr and Gas Acty-Cont-and-Other Surface-and--Underground-Resources" [225 ILCS 725] and who hauls only oil and gas extraction wastes as defined in that Act.
- f) Any person who hauls only radioactive wastes as defined by the Radiation Protection Act [420 ILCS 40].
- g) Any person who hauls only coal combustion fly ash.
- h) Any person who hauls only declassified waste or refuse.
- i) Any person who hauls only special waste exempted by 35 Ill. Adm. Code 808.123 (small quantity generators of 220 pounds or less per month of special waste).
- j) Any person who hauls potentially infectious medical waste that is regulated under 35 Ill. Adm. Code Subtitle M.
- k) Any person who hauls used tires regulated under 35 Ill. Adm. Code 848.

(Source: Amended 4/1/80 24 Ill. Reg. 14747, effective 4/1/80)

SUBPART D: PERMIT AVAILABILITY AND SYMBOLS

Section 809.401 Permit Availability

Upon issuance of a nonhazardous special waste hauling permit or a Uniform Program registration and permit, the owner and operator of any such vehicle used to transport nonhazardous special or hazardous waste shall maintain within the vehicle a legible photocopy of the nonhazardous special waste hauling permit or Uniform Program registration and permit. Upon request, issuance of the nonhazardous special waste hauling permit or Uniform Program registration and permit shall be disclosed by the owner and operator of the vehicle to any representative of the State of Illinois (including, but not limited to, the Agency), any generator of the special waste, or any treatment, storage, or disposal facility that has handled, is handling, or will handle the special waste. Upon request by any such representative, the transporter shall make available a photocopy of the nonhazardous special waste hauling permit or Uniform Program registration and permit to the representative. The owner and operator of the vehicle shall also comply with any otherwise applicable federal regulations.

(Source: Amended at 24 Ill. Reg. 14747, effective 4/1/80)

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(SFP 257000)

SUBPART E: MANIFESTS, RECORDS AND REPORTING

Section 809.501 Manifests, Records, Access to Records, Reporting Requirements and Forms

- a) Any person who delivers special waste to a permitted nonhazardous special or hazardous waste transporter shall complete a uniform hazardous waste manifest to accompany the special waste from delivery to the destination of the special waste. The manifest form will be provided or prescribed by the Agency.
- b) The transporter shall include in the manifest the following:
- 1) The name of the generator of the special waste and generator number;
 - 2) Information stating when and where the special waste was generated;
 - 3) The name of the person from whom delivery is accepted and the name of the site from which delivered;
 - 4) The name and permit number of the transporter;
 - 5) The date of delivery; and
 - 6) The classification and quantity of the special waste delivered to the transporter.
- c) Manifest copies to be sent to the Agency:
- 1) Every person who delivers RCRA hazardous waste or polychlorinated biphenyl (PCB) wastes to a transporter shall submit a copy of the Illinois manifest to the Agency within two days after the shipment. Every person who accepts RCRA hazardous waste or PCB waste from a transporter shall submit a copy of the Illinois manifest to the Agency within 30 days after receipt.
 - 2) A person who delivers RCRA hazardous waste or PCB wastes to a transporter on another state's manifest, such as where the destination state requires use of its manifest, does not have to submit manifest copies to the Agency.
 - 3) A person who delivers non-RCRA hazardous wastes or non-PCB wastes to a transporter does not have to send a copy of the manifest to the Agency. A person who accepts non-RCRA hazardous waste or non-PCB wastes from a transporter does not have to send a copy of the manifest to the Agency.
 - 4) The manifest will consist of at least four parts, in contrasting colors, such that an entry or signature on one part will be directly reproduced upon all underlying parts. The top part of the manifest shall be signed by the person who delivers special waste to a special waste transporter, acknowledging the delivery. The top part of the manifest shall also be signed by the special waste transporter, acknowledging receipt of the special waste. The person who delivers special waste to a special waste transporter shall retain the designated parts of the manifest as a record. The remaining parts of

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the manifest shall accompany the special waste shipment. At the destination, the manifest shall be signed by the person who accepts special waste from a special waste transporter, acknowledging receipt of the special waste.

- e) A permitted site that receives special waste for disposal, storage or treatment of special waste must be designated on the manifest as the final destination point. Any subsequent delivery of the special waste or any portion or product thereof to a special waste transporter shall be conducted under a manifest initiated by the permitted disposal, storage or treatment site.

f) In all cases, the special waste transporter shall deliver the designated parts of the complete transporter, signed manifest to the person who accepts delivery of special waste from the transporter. The special waste transporter shall retain the designated part of the complete, signed manifest as a record of delivery to a permitted disposal, storage or treatment site. In addition, at the end of each month, or longer if approved by the Agency, the owner and the operator of the permitted disposal, storage or treatment site who accepts special waste from a special waste transporter shall send the designated part of the completed manifest to the person who delivered the special waste to the special waste transporter.

- g) Every generator who delivers special waste to a special waste transporter, every person who accepts special waste from a special waste transporter and every special waste transporter shall retain their respective parts of the special waste manifest as a record of all special waste transactions. These parts should be retained for three years and will be made available at reasonable times for inspection and photocopying by the Agency.

BOARD NOTE: The manifest requirements of 35 Ill. Adm. Code 722. 724 and 725 relative to RCRA hazardous wastes are not affected by this subsection. Generators and receiving facilities subject to those Parts shall continue to supply designated copies of all manifests to the Agency.

- h) Every generator who delivers nonhazardous special waste via a transporter to a facility located outside Illinois shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports shall, at a minimum, include the information specified in subsection (i) of this Section and should be received by the Agency no later than February 1.

i) Every annual report required to be filed with the Agency by a generator for waste going out of state pursuant to subsection (h) of this Section shall include the following:

- 1) The IEPA identification number, name and address of the generator;
- 2) The period (calendar year) covered by the report;
- 3) The IEPA identification number, name and address for each off-site treatment, storage or disposal facility to which waste

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- was shipped during the period;
- 4) The name and IEPA special waste hauling number of each transporter used during the period for shipments to a treatment, storage or disposal facility;

5) A description and the total quantity of each nonhazardous special waste shipped out of state, listed by IEPA identification number of each receiving site;

6) The method of treatment, storage or disposal for each nonhazardous special waste; and

7) A certification signed by the generator or the generator's authorized representative.

j) Every in-State facility that accepts nonhazardous special waste from a nonhazardous special waste transporter shall file a report, on forms prescribed or provided by the Agency, summarizing all such activity during the preceding calendar year. Such reports should, at a minimum, include the information specified in subsection (k) of this Section and be received by the Agency no later than February 1. This subsection is applicable to all nonhazardous special wastes that are delivered to a nonhazardous special waste transporter on or after January 1, 1991.

k) Every annual report required to be filed with the Agency by a person accepting nonhazardous special waste from a nonhazardous special waste transporter pursuant to subsection (j) of this Section shall include the following information:

- 1) The IEPA identification number, name and address of the facility;
- 2) The period (calendar year) covered by the report;
- 3) The IEPA identification number, name and address of each nonhazardous special waste generator from which the facility received a nonhazardous special waste during the period;
- 4) A description and the total quantity of each nonhazardous special waste the facility received from off-site during the period. This information shall be listed by IEPA identification number of each generator;

5) The method of treatment, storage or disposal for each nonhazardous special waste; and

6) A certification signed by the owner or operator of the facility or the owner's owner or operator's authorized representative.

(Source: Amended at 24 Ill. Reg. 14762, effective 1-1-2000)

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1) Heading of the Part: Alcoholic Liquor Act

2) Code Citation: 86 Ill. Adm. Code 420

3) Section Numbers: Adopted Action:
420.10 Amendment

4) Statutory Authority: 235 ILCS 5

5) Effective Date of Amendments: September 25, 2000

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: May 19, 2000, 24 Ill. Reg. 7466

10) Has JCAR issued a Statement of Objections to these Amendments? No

11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter? Yes

13) Will this amendment replace an emergency amendment currently in effect?
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking is a result of Public Acts 91-38 and 90-625. Amends the Liquor Control Act of 1934 by amending the rates at which alcoholic liquor is taxed. Also defines "cider."

16) Information and questions regarding this adopted amendment shall be directed to: Gina Roccaforte
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6596

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The full text of the adopted amendment begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 420
ALCOHOLIC LIQUOR ACT

Section	
420.10	Gallonge Taxes
420.20	Claims to Recover Erroneously Paid Tax
420.30	Shipments of Alcoholic Liquors Out of Illinois
420.40	Non-Beverage Alcoholic Preparations and Compounds
420.50	Non-Beverage Users of Alcoholic Liquors
420.60	Act Does Not Apply
420.70	Tax Provisions of Act Do Not Apply
420.80	Monthly Return
420.90	Books and Records
420.100	Carriers
420.110	Sales to Governmental Bodies
420.120	Warehousing of Liquors
420.130	Non-Beverage User's Books and Records
420.140	Tax-Free Sales of Alcoholic Liquor for Use Aboard Ships Operating in Foreign Commerce Outside the Continental Limits of the United States

AUTHORITY: Implementing and authorized by Article VIII of the Liquor Control Act of 1934 (235 ILCS 5/Art. VIII).

SOURCE: Filled and effective June 17, 1958; codified at 8 Ill. Reg. 17910; amended at 14 Ill. Reg. 18083, effective October 18, 1950; amended at 15 Ill. Reg. 3498, effective February 21, 1951; amended at 24 Ill. Reg. 8096, effective May 26, 2000, amended at 24 Ill. Reg. 14138, effective 11/1/00.

Section 420.10 Gallonge Taxes

a) Measure of Tax:

- 1) A tax is imposed upon the privilege of engaging in business as a manufacturer or as an importing distributor of alcoholic liquor at the rate of 73¢ 23¢ per gallon for wine containing less than 20% of alcohol by volume other than cider containing less than 7% alcohol by volume; ~~alcoholic liquor, other than beer, containing 14% or less of alcohol by volume; 68¢ per gallon for alcoholic liquor containing more than 14% and less than 20% of alcohol by volume; 18.5¢ 7¢ per gallon on beer; 18.5¢ per gallon for cider containing not less than 0.5% alcohol by volume nor more than 7% alcohol by volume; and \$4.50 \$2.40 per gallon on alcoholic liquor having 20% or more of alcohol by volume, manufactured or imported for sale or use by such manufacturer, or as agent for any other person, or purchased tax-free for sale or use by such~~

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manufacturer, or as agent for any other person, or imported for sale or use by such importing distributor, or as agent for any other person, or purchased tax-free for sale or use by such importing distributor, or as agent for any other person.

- 2) For purposes of this Section, "cider" means any alcoholic beverage obtained by the alcohol fermentation of the juice of apples or pears including, but not limited to, flavored, sparkling, or carbonated cider. (235 ILCS 5/8-11)
- b) Persons Liable for Tax:
 - 1) Sales of alcoholic liquor by an Illinois licensed foreign importer to an Illinois licensed importing distributor of alcoholic liquor are not taxable even if both licenses are held by the same legal entity.
 - 2) Where one licensed manufacturer or importing distributor sells alcoholic liquor to another licensed manufacturer or importing distributor, such sale may be made tax-free to the extent to which the sale of alcoholic liquor by one Illinois licensed manufacturer or importing distributor to another Illinois licensed manufacturer or importing distributor is authorized by the licensing provisions of the Act. When such sale is made tax-free, the purchasing manufacturer or importing distributor is responsible for paying the proper tax unless such purchaser sells the alcoholic liquor that he has bought tax-free to another licensed manufacturer or importing distributor under circumstances authorized by the licensing provisions of the Act and elects not to pay the tax. This procedure may be continued until a licensed manufacturer or importing distributor sells the alcoholic liquor to someone not licensed as a manufacturer or importing distributor, in which event, if the tax liability has not been assumed previously, such manufacturer or importing distributor who makes the sale to a purchaser not licensed as a manufacturer or importing distributor must pay the proper tax when filing his return for the month in which he makes such taxable sale unless there is some other basis for claiming tax exemption, such as the fact that the sale is in interstate commerce (see Section 420.30) or that the sale is made to a nonbeverage user (see Sections 420.500 and 420.110(b)).

(Source: Amended at 24 Ill. Reg. 14138, effective 11/1/00)

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- 1) Heading of the Part: Tobacco Product Manufacturers' Escrow Act
- 2) Code Citation: 86 Ill. Adm. Code 445
- 3) Section Numbers: Adopted Action:
445.10 New Section
445.20 New Section
- 4) Statutory Authority: 30 ILCS 168
- 5) Effective Date of Rulemaking: September 25, 2000
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 19, 2000, 24 Ill. Reg. 7489
- 10) Has JCAR issued a Statement of Objections to this rulemaking? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect?
No
- 14) Are there any rules pending on this Part? No
- 15) Summary and Purpose of rulemaking: Creates regulations as required by the Tobacco Product Manufacturers' Escrow Act to ascertain the amount of State Excise Tax paid on cigarettes of tobacco product manufacturers.
- 16) Information and questions regarding these adopted rules shall be directed to:

Gina Roccaforte
Terry D. Charlton
Associate Counsels
Illinois Department of Revenue

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Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the adopted rulemaking begins on the next page:

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TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 445

TOBACCO PRODUCT MANUFACTURERS' ESCROW ACT

Section

445.10 Definitions

445.20 Tobacco Product Escrow Reporting Requirements

AUTHORITY: Implementing and authorized by the Tobacco Product Manufacturers' Escrow Act (30 ILCS 168).

SOURCE: Adopted at 24 Ill. Reg. 14767, effective 3/14/2000.

Section 445.10 Definitions

"Affiliate" means a person who directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person. Solely for purposes of this definition, the terms "owns," "is owned," and "ownership" mean ownership of an equity interest, or the equivalent thereof, of 10% or more, and the term "person" means an individual, partnership, committee, association, corporation, or any other organization or group of persons.

"Distributor" means any and each of the following:

Any person engaged in the business of selling cigarettes in this State who brings or causes to be brought into this State from outside this State any original packages of cigarettes, on which original packages there is no authorized evidence underneath a sealed transparent wrapper showing that the tax liability imposed by the Cigarette Tax Act has been paid or assumed by the out-of-State seller of such cigarettes, for sale or other disposition in the course of such business.

Any person who makes, manufactures or fabricates cigarettes in this State for sale in this State.

Any person who makes, manufactures or fabricates cigarettes outside this State, which cigarettes are placed in original packages contained in sealed transparent wrappers, for delivery or shipment into this State, and who elects to qualify and is accepted by the Department as a distributor under Section 4b of the Cigarette Tax Act.

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"Master Settlement Agreement" means the settlement agreement (and related documents) entered into on November 23, 1999 by the State of Illinois and leading United States tobacco product manufacturers.

"Participating manufacturer" means a tobacco product manufacturer who participates in the Master Settlement Agreement as provided in Section II(jj) of the Master Settlement Agreement.

"Qualified escrow fund" means an escrow arrangement with a federally or State chartered financial institution having no affiliation with any tobacco product manufacturer and having assets of at least \$1,000,000,000 where such arrangement requires that such financial institution hold the escrowed funds' principal for the benefit of releasing parties and prohibits the tobacco product manufacturer placing the funds into escrow from using, accessing, or directing the use of the funds' principal except as consistent with subdivision (a)(2)(B) of Section 15 of the Tobacco Product Manufacturers' Escrow Act.

"Tobacco product manufacturer":

means any entity that, after June 30, 1999, directly (and not exclusively through any affiliate):

manufactures cigarettes anywhere that such manufacturer intends to be sold in the United States, including cigarettes intended to be sold in the United States through an importer (except where such importer is an original participating manufacturer (as that term is defined in the Master Settlement Agreement) that will be responsible for the payments under the Master Settlement Agreement with respect to such cigarettes as a result of the provisions of subsection II(mm) of the Master Settlement Agreement and that pays the taxes specified in subsection II(z) of the Master Settlement Agreement; and provided that the manufacturer of such cigarettes does not market or advertise such cigarettes in the United States);

is the first purchaser anywhere for resale in the United States of cigarettes manufactured anywhere that the manufacturer does not intend to be sold in the United States; or becomes a successor of an entity described in this definition.

does not mean an affiliate of a tobacco product manufacturer unless the affiliate itself falls within this definition.

"Unit sold" means an individual cigarette sold in the State of

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Illinois by the applicable tobacco product manufacturer (whether directly or through a distributor, retailer, or similar intermediary or intermediaries) during the year in question, as measured by excise taxes collected by the State on packs bearing the excise tax stamp of the State.

Section 445.20 Tobacco Product Escrow Reporting Requirements

- a) Any tobacco product manufacturer selling cigarettes to consumers within the State of Illinois (whether directly or through a distributor, retailer, or similar intermediary or intermediaries) after June 30, 1999 is required to do one of the following:
 - 1) become a participating manufacturer and generally perform its financial obligations under the Master Settlement Agreement; or
 - 2) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation):
 - A) For 1999: \$0.0094241 per unit sold after June 30, 1999;
 - B) For 2000: \$0.0104712 per unit sold;
 - C) For each of 2001 and 2002: \$0.0136125 per unit sold;
 - D) For each of 2003 through 2006: \$0.0167539 per unit sold;
 - E) For each of 2007 and each year thereafter: \$0.0188482.
- b) Each tobacco product manufacturer that elects to place funds into escrow shall annually certify to the Attorney General the amount placed into escrow each year on or before April 15. Such affidavit shall be filed upon forms furnished and prescribed by the Attorney General and contain such other information as the Attorney General may reasonably require.
- c) Every distributor who is not a manufacturer of cigarettes shall, on or before the 1st day of March, file a report with the Attorney General, showing the quantity of cigarettes sold bearing Illinois cigarette tax stamps during the preceding calendar year and the name and address of the non-participating manufacturer of the cigarettes sold. Such report shall be filed upon forms furnished and prescribed by the Attorney General and shall contain such other information as the Attorney General may reasonably require. Distributors are not required to file this report if the cigarettes sold were manufactured by a participating manufacturer.
- d) Every nonparticipating manufacturer of cigarettes shall keep at his licensed address complete and accurate records of cigarettes sold and shall preserve and keep at his licensed address all invoices, bills of lading, sales recorders, copies of bills of sale, inventory at the close of each period for which a report is required and other pertinent papers and documents relating to the manufacture, purchase, sale or disposition of cigarettes.
- e) All books and records and other papers and documents that are required to be kept shall be kept in the English language, and shall, at all times during the usual business hours of the day, be subject to

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inspection by the Office of the Attorney General or its duly authorized agents and employees.

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- 1) Heading of the Part: Program Content and Guidelines for Division of Specialized Care for Children
- 2) Code Citation: 89 Ill. Adm. Code 1200
- 3) Section Numbers:
 1200.30 Amendments
 1200.50 Amendments
 1200.100 Amendments
 APPENDIX A
- 4) Statutory Authority: Implementing the Specialized Care for Children Act [110 ILCS 345] and authorized by the University of Illinois Act [110 ILCS 305].
- 5) Effective Date of Amendments: September 25, 2000
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in the Illinois Register: May 12, 2000 (24 Ill. Reg. 7172)
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between the proposal and final version:
 In Source Note, added Register number "7414" for the emergency amendment effective May 1, 2000.
 Throughout rulemaking, changed defined terms from upper case to lower case.
 In Section 1200.30(c)(2), before "It", added "A".
 In Section 1200.30(c)(2)(A)(i), struck "A)" and added "i)".
 In Section 1200.30(c)(2)(A)(ii), struck "B)" and added "ii)".
 In Section 1200.30(c)(2)(A)(iii), struck "C)" and added "iii)".
 In Section 1200.30(c)(2)(A)(iii), struck "i)" and added "the".

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- In Section 1200.30(c)(2)(A)(iii), struck "ii) The" and added "the".
- In Section 1200.30(c)(2)(A)(iii), deleted ";" and reinstated the period.
- In Section 1200.30(c)(2)(B), struck "D)" and added "B)".
- In Section 1200.30 (d)(3), struck "respect to filing of an application" and added "respect to filing of an application".
- In Section 1200.50(c)(2) and 1200.50(c)(3), deleted "financial eligibility scale" and reinstated "Financial Eligibility Scale".
- In Section 1200.50(c)(3), 1200.50(c)(4)(C), and 1200.50(c)(4)(E)(iii), struck "(D)" and added "B".
- In Section 1200.50(c)(6), corrected "ommencing" to "commencing".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace emergency amendments currently in effect?
 Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Amendments: Requires Legally Responsible Adults (LRAs) applying for DSCC financial assistance for an applicant or recipient child who is potentially eligible for the Medicaid or KidCare Program to apply and enroll if eligible in the Medicaid or the KidCare Program; clarifies that financial need determination is not required for children served under the Benophilia Care Act and is required when a child is served by any other program with financial requirements that are the same or more stringent; revises the Financial Eligibility Scale based on the February 15, 2000 federal poverty guidelines; adds that physician health care professionals may be certified by the American Osteopathic Board.
- 16) Information and questions regarding these amendments shall be directed to:
 Charles N. Onufer, M.D.
 Director
 Division of Specialized Care for Children
 2815 West Washington, Suite 300
 P.O. Box 19481
 Springfield IL 62794-9481
 (217) 793-2340 Fax: (217) 793-0773

The full text of the adopted amendments begins on the next page.

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Eligible-Condition and in addition: the LRAs are lawfully admitted to the United States on a visa or permit which contemplates that the LRA will be entitled to permanently remain in the United States or has been admitted under color of law; or the Applicant or recipient child Applicant-or-Recipient-Child is a United States citizen.

BIP Whenever payment for treatment services or financial assistance is desired, the LRA must:

- i) Meet the financial eligibility criteria set forth at Section 1200.50 of this Part;
- ii) Make maximum use of third party payments, if any, including Medicaid and KidCare benefits, as well as any other form of payment (such as trust funds, gifts, or fund raising drives) available for the Applicant or Recipient child Applicant-or-Recipient-Child;
- iii) Sign a reimbursement agreement Reimbursement Agreement, if the injuries for which treatment is sought were caused by any alleged negligent act (including products liability) whenever litigation is pending or contemplated.

3) Further, any attorney retained to represent the recipient child Recipient-Child on any claim relating to the recipient child's Recipient-Child's medical condition for which DSCC will provide care must separately sign the reimbursement agreement Reimbursement-Agreement. Failure to comply with this requirement will not, however, delay or hinder the application process.

4) When the LRAs are no longer Residents of Illinois, care coordination and financial assistance can be provided for as long as the following conditions are met not to exceed 12 months from the change of residency status:

- A) The recipient child Recipient-Child remains a Resident of Illinois;
 - B) The recipient child's Recipient-Child's LRAs were residents of Illinois at the time the recipient child Recipient-Child was registered with DSCC;
 - C) An active DSCC supported treatment plan for the recipient child's Recipient-Child's eligible condition was in progress at the time the LRAs lost residency status;
 - D) Discontinuation of treatment would result in probable harm to the recipient child Recipient-Child or an adverse outcome of treatment; and
 - E) Legal action is in progress that will establish legal guardianship of the recipient child Recipient-Child with a person or agency located in Illinois.
- d) Application Process: Initial and Continuing Eligibility
- 1) No person participating in or wishing to participate in the Division's programs shall be denied benefits of the program or

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shall be discriminated against on the basis of sex, religion, race, color, national origin or handicap not related to program eligibility.

2) General responsibilities of applicants, recipient children Applicants-Recipient-Children, and LRAs:

A) Applicants/Recipients and LRAs requesting assistance shall furnish requested factual information regarding eligibility and shall keep DSCC informed of any changes in financial status (defined as any change in financial circumstances which would affect financial eligibility for DSCC benefits as set forth in Section 1200.50 including, but not limited to changes in family size and income).

B) The application process requires consent by the LRAs to release or to verify medical data and financial information provided as a part of the application process.

3) An LRA shall complete and sign a written application on behalf of the applicant Applicant on forms specified by DSCC. The applicant Applicant shall comply with all relevant time deadlines with respect to filing of an application respect-to-filing-of-an application and appealing any adverse decision. An LRA may choose a person to assist in completing the application. A representative of a public agency must complete and sign the application for an applicant Applicant in that agency's custody. A representative of a private agency may complete and sign the application for an applicant Applicant if he/she is the authorized guardian for the applicant Applicant.

4) A completed application must be submitted to DSCC within the following time periods:

A) In all cases, a completed application for initial financial eligibility must be received by DSCC within 30 days from the date of services for which assistance is desired. Applications not received within the 30 day period shall be processed for reimbursement of treatment services provided no more than 30 days prior to the actual date of receipt. This time period shall be adjusted by DSCC for good cause if DSCC is notified of the circumstances within the 30 day time period (for purposes of this clause, "good cause" shall include, but shall not be limited to, a family emergency, demonstrated delays caused by the U.S. Postal Service, and in providing a copy of an income tax return).

B) Applications for continuing financial eligibility must be received by DSCC within the current period of eligibility. If an application is received after said eligibility time period, continuing eligibility shall recommence no more than 30 days prior to the date the application is actually received by DSCC.

5) If financial assistance is desired, the LRA shall complete and

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sign a financial application on behalf of the applicant Applicant on forms specified by DSCC, which shall be submitted within the time periods specified in subsection Section--3200-30(d)(4) of this Section.

A) Such application shall include a copy of the LRA's most recent filed federal income tax return. If an LRA is not required to file with the Internal Revenue Service, verification of income must be submitted.

B) DSCC shall accept other supporting documents from the LRA to verify level of income if DSCC determines that the documents provided prove the information sought and if the LRA has demonstrated diligence in attempting to obtain federal tax returns or pay stubs but has been unsuccessful in doing so.

C) BSGE shall accept supporting documentation from the LRA that reflects financial eligibility for services being provided by or reimbursed by the Illinois Department of Public Aid (IDPA) or any other State agency using criteria the same as or more stringent than BSGE.

6) If financial assistance is not desired, no financial application is required. Applicants with a medically eligible condition Medication-Bigbie-Condition who either do not desire or do not qualify for DSCC financial assistance shall be eligible for Programmatic Assistance for Care Coordination Activities.

7) Determination of eligibility is performed at the regional offices. (See 2 Ill. Adm. Code 5155, Appendix A.)

A) The DSCC staff shall verify the information provided on behalf of the applicant Applicant. This may include discussion, including an interview with the LRA, if the application is not complete. The interview shall be conducted at a place and time convenient to all parties.

B) If supplemental information required by DSCC to determine eligibility is not provided within 30 days after the LRA receives notice of a requirement that the information is needed to complete this application, DSCC shall then advise the LRA that the application will be invalidated and not given further consideration unless the LRA was unable, due to causes beyond his/her control, to provide the information required.

C) A written decision regarding eligibility shall be sent to the LRA and any referring health care provider or professional Health-Care-Provider-or-Professional referring agency within 30 days after receipt of the completed application unless the emergent nature of the applicant's Applicant's condition requires a decision in a more timely fashion.

(Source: Amended at 24 Ill. Reg. 1478, effective 1/1/98)

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Section 1200.50 Financial Eligibility

a) The LRA has an obligation to meet the cost of medical care for his/her recipient child Recipient-Child to the extent he/she is they-are able. Financial assistance, in the form described in Section 1200.90 of this Part, is provided to LRAs who are unable to meet such expenses from their own resources or other party payers for which the child is eligible as established through a financial need determination performed pursuant to criteria established in subsections (c) and (d) of this Section.

b) Exceptions to Financial Need Determination
1) DSCC provides diagnostic services Diagnostic-Services necessary to determine medical eligibility without regard to the economic status of an applicant's Applicant's LRAs.

2) Financial information is not required from LRAs when:

A) medical eligibility is uncertain;

B) no expenditure of DSCC funds is anticipated;

C) the applicant of recipient child Applicant-or-Recipient-Child is a ward of the State agency which is financially responsible for the applicant or recipient child's Applicant or-Recipient-Child's medical care;

D) the applicant or recipient child Applicant-or-Recipient-Child has been determined eligible for services being provided by or reimbursed under the Hemophilia Care Act (40 ILCS 420) by a State agency using criteria the same as or more stringent than BSGE. However, if the LRAs elect to provide financial information and complete the DSCC financial need process, they may do so and the period of eligibility established will be determined in accordance with subsection (c)(6) below.

3) Only Programmatic Assistance for Care Coordination Activities is requested.

c) Criteria for Financial Assistance
1) Financial eligibility is based upon the financial status of the LRA requesting financial assistance.

2) The Financial Eligibility Scale (Appendix A) represents 285% of the Federal Poverty Guidelines as developed by the Department of Health and Human Services as published in Vol. 65, No. 31, February 15, 2000, pp. 7555-7557 of the Federal Register 64-FR 33420-effective-March-16-1999. No subsequent dates or editions are included. A family is placed on the scale according to its total family income total-Family-income and family size.

3) Financial assistance is provided when the total family income total-Family-income considering family size is equal to or less than that which is allowable in accordance with the Financial Eligibility Scale. The LRA and attorney must submit a reimbursement agreement Reimbursement-Agreement, if applicable, as provided in Section 1200.30(c)(2)(B)(i)(iii).

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- 4) The LRA shall be determined ineligible for financial assistance from DSCC when:
- A) It is determined that the total family income ~~total~~ ~~Family income~~ is in excess of that which is allowable in accordance with Appendix A, the Financial Eligibility Scale.
 - B) An LRA has failed within the time periods established in Section 1200.30(d) to provide sufficient information to determine eligibility. In such instances, eligibility shall commence up to 30 days prior to the date of receipt of a new application with information sufficient to establish eligibility.
 - C) An LRA has failed within the time period established in Section 1200.30(d) to complete and sign the application (including the financial application), and the reimbursement agreement ~~Reimbursement-----Agreement~~ (Section 1200.30(c)(2)(B)(4)(iii)). If applicable. In such instances, eligibility shall commence up to 30 days prior to the date of receipt of a newly signed application and/or reimbursement agreement ~~Reimbursement-Agreement~~.
 - D) An LRA without a third party payer fails to enroll, if eligible, on behalf of the applicant or recipient child for the Medicaid or KidCare Program. A current family financial period for the recipient child will be reduced only if the financial eligibility end date exceeds December 31, 2000 due to the requirement that the family must apply for Medicaid or KidCare. Families potentially eligible for the Medicaid or KidCare Program will be notified at least 90 days prior to the end of their family financial eligibility period or 90 days prior to December 31, 2000, that they must make application and enroll in the Medicaid or KidCare Program, if eligible, to continue DSCC financial assistance.
- 5B) In addition, the LRAs shall lose their financial assistance if:
- i) Medical insurance payments or other forms of payment available or paid directly to the LRA to meet the cost of care for the recipient child ~~Recipient-Child~~ have not been applied to the cost of care arranged, authorized, and paid by DSCC for that child. In such instances, the LRA may reapply for assistance upon repayment to DSCC of an amount equal to the medical insurance payments made available but not applied toward the recipient child's ~~Recipient-Child's~~ cost of care.
 - ii) An LRA fails to notify DSCC within 30 days of any change in the recipient child's ~~Recipient-Child's~~ medical insurance which results in medical coverage for costs which are currently paid for by DSCC.
 - iii) An LRA fails to submit a reimbursement agreement

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- ~~Reimbursement-Agreement~~ in accordance with Section 1200.30(c)(2)(B)(4)(iii), if applicable.
- iv) It is determined that the LRA has in any way falsified documents used to determine eligibility.
 - 5) LRAs determined to be wholly or partially ineligible shall be advised of the right to appeal the determination in accordance with the procedures as set forth in Section 1200.60.
 - 6) Period of financial eligibility shall be established for a period of up to 24 months commencing ~~commencing~~ no sooner than 30 days prior to the date a completed application is received by DSCC if applicants are able to provide current federal tax information. For purposes of this Section, current federal tax information shall be defined as the tax information for the calendar year prior to the year of application.~~or~~ B) Alternatively, financial financial eligibility shall be established for a period of up to 12 months commencing no sooner than 30 days prior to the date a completed application is received by DSCC under the following circumstances:
 - i) Applicants/LRAs able to provide federal tax information not older than one year prior to the current federal tax information.
 - ii) Applicants/LRAs not required to file federal income tax forms as defined by the Federal Internal Revenue Service. Income must be verified using two consecutive pay stubs that are within two months of application.
 - iii) Applicants/LRAs determined financially eligible on the basis of eligibility for services being provided by or reimbursed under the Hemophilia Care Act (410 ILCS 420).
 - C) When more than one child in a family is eligible for financial assistance, the period of eligibility for all eligible children will be for the same period.
 - D) Financial eligibility shall be redetermined subject to the date established at subsection (c)(6)(A) and (B) above. No current family financial eligibility period will be reduced due to changes in the Financial Eligibility Scale effective December 15, 1999, except as noted in subsections (c)(4)(E)(4)(F) and (c)(6)(E)(i) and (iii). No redetermination of financial eligibility will be done for a minimum of one year for families with existing financial eligibility based on the prior income scale ~~income-Scale~~.
 - E) The period of financial eligibility may be decreased under the following circumstances:
 - i) The recipient child ~~Recipient-Child~~, at the time of financial evaluation, was a ward of an agency or court

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because adoption had not been finalized. DSCC eligibility shall terminate on the effective date of the finalization of the adoption.

- ii) Supplemental information submitted pursuant to Section 1200.30(d)(2)(A) of this Part causes a change in financial eligibility.

- iii) The recipient child ~~Recipient-Child~~ loses DSCC general ~~General~~ or medical eligibility ~~Medical--Eligibility~~. Eligibility for DSCC benefits shall terminate at the time that DSCC general ~~General~~ or medical eligibility ~~Medical--Eligibility~~ is determined to have been lost.

- F) In the event that an LRA submits information, at any time, which, upon verification by DSCC, establishes that the LRA is eligible for financial assistance at a level in excess of that previously approved by DSCC, a new period of eligibility shall begin on the date the information is received by DSCC, provided that the LRA has met all prior financial obligations to DSCC.

d) Financial Determination Calculations

- 1) Family Size
- A) Family size shall be determined by the sum of the number of persons in each of the following categories when they share the same household. However, if a person falls into more than one category, that person shall be counted only once:
- The applicant or recipient child ~~Applicant--or-Recipient-Child~~;
 - The applicant or recipient child's ~~Applicant--or-Recipient-Child's~~ spouse;
 - An LRA and his/her spouse;
 - Other persons who, for federal income tax purposes, are deemed dependents of the applying LRA.
- 2) The family's annual total income shall be the sum of all income of persons comprising the family unit, as determined above but excluding income of dependent children except income of the dependent applicant or recipient child ~~Applicant--or-Recipient-Child~~ and his/her spouse. Total income ~~income~~ shall include all income as defined by the Internal Revenue Service for federal income tax reporting purposes.

(Source: Amended at 24 Ill. Reg. 1478, effective 10/1/2000)

Section 1200.100 Standards for Health Care Professionals

- a) Qualifications/Requirements of Physicians and Other Health Care Professionals
- Physician Health Care Professionals: General Qualifications

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In view of the specialized care required by children with chronic and often uncommon physical impairments served by DSCC, a participating physician ~~Physician~~ health care professional ~~Health Care-Professional~~ shall be certified by one of the boards constituting the American Board of Medical Specialties or the American Osteopathic Board; be licensed by the State of Illinois or the ~~State~~ State in which the medical services are being provided; and be a member in good standing of the professional staff of the health care facility ~~Health-Care-Facility~~ approved by DSCC for the services to be provided. Physicians shall be those who have been approved by DSCC as meeting the above standards as evidenced by a submission thereof on forms provided by DSCC for that purpose. The Director will authorize the use of non-certified physicians when such is required to meet the needs of a specific child (for purposes of this clause a non-certified physician is defined as a physician who is qualified by training in his specialty as determined by the American Board of Medical Specialties but who has not yet met the minimum experience qualifications required to complete the credentialing process through oral and written examinations). In such cases, the Director will establish limits on the services to be performed by such professionals ~~Professionals~~ which reflect the extent of the training and experience of the physician.

- Physician Health Care Professionals: Special Qualifications
- If medically necessary to meet the unique needs of individual children, the Director shall require physician ~~Physician~~ health care professionals ~~Health--Care--Professionals~~ involved in providing care to the children to demonstrate that they have completed advanced training germane to the condition being treated. Such training may include sub-specialty certification by the American Board ~~Boards~~ of Medical Specialties or completion of a period of fellowship training in an approved program. The Director may also require, in such circumstance, that the physician evidence completion of continuing medical education in the specialized area needed and demonstrate significant recent experience in treating low incidence health impairments. Among the services provided by DSCC which require such qualifications are those involving medical and surgical management of children with cardiac defects; surgical management of curvature of the spine; habilitation of the upper extremity amputee; diagnosis and management of inborn errors of metabolism; hemophilia; cystic fibrosis; cleft lip/cleft palate; spina bifida; and genetic evaluation and counseling.

- Other Health Care Professionals: Qualifications
- Other health care professionals ~~Health-Care--Professionals~~ include, but are not limited to, nurses, social workers, specialized dentists, physical therapists, occupational therapists, speech clinicians, audiologists, optometrists,

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podiatrists, psychologists, nutritionists, genetic counselors, orthotists, prosthetists, and related consultants shall need licensure, certification and credentialing requirements of the State and professional associations in the specialty areas in which they practice or provide services. Additionally, they shall present evidence of their training and experience in providing services to physically impaired children. Evidence of such training and experience shall be relevant to the prescriptive intervention ordered. The Director shall require additional qualifications when further expertise is required in accordance with the standards enumerated in subsection (a)(2).

4) **Liability Insurance: Requirements**
All physicians and all other health care professionals **Health Care--Professionals** shall maintain professional liability insurance in an amount not less than \$1,000,000 per occurrence and an annual aggregate limit not less than \$3,000,000. The physician and other health care professional further agrees to maintain continuous coverage in the amount required by DSCC for the length of time DSCC services are provided. DSCC retains the right to modify insurance requirements from time to time. All physicians and other health care professionals must provide to DSCC proof of the required professional liability coverage and shall update such proof upon renewal of coverage. Failure of DSCC to obtain such proof of coverage shall not be deemed a waiver of such coverage requirement.

5) **Health Care Professionals: Qualification Exceptions**
The above qualifications notwithstanding, physicians and other health care providers **Health-Care--Providers** who provided DSCC services prior to the effective date of this Part shall be entitled to continue in such status provided the Director determines that they have demonstrated the skill, knowledge, training, and experience necessary to continue to provide services to applicant/recipient children **Applicant/Recipient Children**. They shall be deemed to have demonstrated such skill, knowledge, training and experience if past medical outcomes were satisfactory, past medical diagnoses proved correct, and all past medical interventions were in accordance with usual and customary medical standards. (See exclusion in subsection (b)(6) below.)

6) **Exclusion from Participation**
A) Health care professionals **Care-Professionals** formally and involuntarily excluded from participation in programs of federal and State agencies, shall automatically be excluded from participation in the DSCC program.
B) Health care professionals **Care-Professionals** shall also be excluded for cause. Cause for exclusion by DSCC shall include, but shall not be limited to, failure to successfully complete the accreditation process by the appropriate certifying Board or organization within the

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maximum time frame for such certification; documented evidence of any kind of professional performance not consonant with the recognized standard of care; adverse action of a hospital medical board, a professional society or other organization; and lack of cooperation regarding billing practice or submission of reports.

C) Any exclusion for cause shall be communicated to the **Health Care Professional** in writing. The **Health Care Professional** shall be entitled to appeal any such decision in accordance with the procedures set forth in subsection (b).

b) Upon receiving notice of DSCC intention to terminate participation in DSCC programs for cause, a health care professional **Health-Care Professional** shall be entitled to a hearing thereon before the DSCC Director, if such is requested in writing within 30 days after said notice is received by the professional **Professional**.

- 1) The hearing shall be informal in nature and the professional **Professional** shall have the right to present all relevant information, witnesses, and evidence in any form.
- 2) Within 30 days after the hearing, the Director shall issue a decision determining whether the professional **Professional** is so qualified and stating the reasons for the decision. The decision shall be based upon the facts presented at the hearing and any supplemental investigation performed by the Director.
- 3) The decision of the Director shall be final.

(Source: Amended at 24 Ill. Reg. 14786, effective 1/1/2000)

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Section 1200 APPENDIX A Financial Eligibility Scale

Family Size	Financial Eligibility Maximum*
1	\$23,798 99-494
2	32,063 34-521
3	40,328 39-558
4	48,593 44-595
5	56,858 50-632
6	65,123 63-669
7	73,388 71-706
8	81,653 79-743

This scale is based on 285% of the Federal Poverty Guidelines as developed by the Department of Health and Human Services as published in Vol. 65, No. 31, February 15, 2000, pp. 7555-7557 of the Federal Register. 64-PB-134287 effective-March-18-1999: No subsequent dates or editions are included.

*For family units with more than 8 members, add \$8,265 89-937 for each additional member. (The same increment applies to smaller family units also, as can be seen in the figures above.)

(Source: Amended at 24 Ill. Reg. 14778, effective 07-01-2000)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Employment
- 2) Code Citation: 56 Ill. Adm. Code 2732
- 3) Section Number: 2732.306
Emergency Action: New Section
- 4) Statutory Authority: 820 ILCS 405/205, 206, 211.5, 212, 212.1, 215, 217, 218, 225, 1700 and 1701 (1998, State Bar Edition); 820 ILCS 405/206.1, as added by Public Act 91-0890.
- 5) Effective Date of Amendments: September 22, 2000
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Dated Filed with the Index Department: September 22, 2000
- 8) A copy of the emergency amendments; including any material incorporated by reference, is on file in the Department's principal office in Chicago and is available for public inspection.
- 9) Reason for Emergency: The recent enactment of Section 206.1 provides certain conditions under which an Employee Leasing Company can be considered the employer of its Leased Employees. However, before this provision can be used by the Employee Leasing Company, it must register with the Department in accordance with promulgated rules. Without immediate implementation of rules for such registration, implementation of the law will be delayed and the will of the legislature not given its prompt effect. Immediate implementation of the rules is necessary to fully implement Section 206.1 for the third calendar quarter of 2000.
- 10) A Complete Description of the Subjects and Issues Involved: Public Act 91-0890 became effective on July 6, 2000. As required by the recent addition of Section 206.1 included in that Public Law, this rule sets forth the registration requirements for employee leasing companies which wish to be considered as the employer of their leased employees for the purposes of the Unemployment Insurance Act.
- 11) Are there any other proposed amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective? This rulemaking neither creates nor expands a State mandate.
- 13) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: Interested persons may submit written comments to:

DEPARTMENT OF EMPLOYMENT SECURITY

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Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7th Floor South
Chicago IL 60605
312-793-4240

The full text of the Emergency Amendment appears on the following page of the Illinois Register.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2732
EMPLOYMENT

SUBPART A: COVERAGE

Section
2732.125

Requirement That "Four Or More" Employees Of A Nonprofit Organization Perform Services Within This State

SUBPART B: SERVICES IN EMPLOYMENT

Section
2732.200
2732.203

Section 212 Of The Act - Services In Employment
The Effect Of Regulation By A Governmental Entity On "Direction Or Control" Under Section 212 Of The Act

2732.205
2732.210
2732.215

Owner-Operators Of Motorized Vehicles
Mandatory Jury Service
Exemption From The Definition Of Employment For Participants In The Americorps Program

2732.220
2732.225

Exemption From The Definition Of Employment For Direct Sellers Of Consumer Goods
Exemption From The Definition Of Employment For Freelance Editorial Or Photographic Work

2732.227
2732.230

Exemption For The Delivery Or Distribution Of Newspaper Or Shopping News To The Ultimate Consumer
Domestic Service

2732.235

Effect Of Section 218 Of The Act On The Employment Status Of Certain Relatives

SUBPART C: DETERMINING THE EMPLOYER

Section
2732.305
2732.306

Employee Leasing Companies
Employee Leasing Company - Obligation To Report The Identities Of Its Clients

EMERGENCY

AUTHORITY: Implementing and authorized by Sections 205, 206, 211.5, 212, 215, 217, 218, 225, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405/205, 206, 211.5, 212, 215, 217, 218, 225, 1700, and 1701].

SOURCE: Adopted at 13 Ill. Reg. 8864, effective May 30, 1989; amended at 14 Ill. Reg. 673, effective January 2, 1990; amended at 15 Ill. Reg. 11423, effective July 30, 1991; amended at 16 Ill. Reg. 8173, effective May 18, 1992; amended at 16 Ill. Reg. 12159, effective July 20, 1992; amended at 17 Ill. Reg.

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8009, effective June 2, 1993; amended at 17 Ill. Reg. 17947, effective October 4, 1993; amended at 18 Ill. Reg. 16355, effective October 24, 1994; amended at 21 Ill. Reg. 9456, effective July 2, 1997; emergency amendment at 24 Ill. Reg. 14791, effective September 22, 2000, for a maximum of 150 days.

SUBPART C: DETERMINING THE EMPLOYER

Section 2732.306 Employee Leasing Company - Obligation To Report The Identities Of Its Clients
EMERGENCY

- a) A report submitted to the Department in the manner provided for in subsection (e), with the contents required by subsection (b), will satisfy the reporting requirement in paragraph 4 of subsection B of Section 206.1 of the Act for each calendar quarter ending after the date of the report's submission. The report will also satisfy the reporting requirements for the calendar quarter ending immediately prior to its submission where the employee leasing company's contract with the client took effect in that quarter and the report is submitted within 30 days after the effective date of the contract.

Example: Employee Leasing Company A contracts with Client B to lease employees to Client B, effective July 1, 2000. Client B has a contribution rate of 1.0% for 2000. Employee Leasing Company A has a contribution rate of 4.0% for 2000 and its relationship with Client B meets the conditions set forth in paragraphs (1), (2) and (3) of subsection B of Section 206.1 of the Act. Beginning with the report due for the third quarter of 2000, Employee Leasing Company A reports the leased employees on its wage reports and pays contributions on those wages at its contribution rate. Client B terminates its liability as of July 1, 2000 and stops filing any wage reports. However, the Employee Leasing Company does not report the leasing relationship to the Director until February 1, 2001. As a result, Employee Leasing Company A cannot report the workers in question for the third and fourth quarters of 2000 as its employees. The workers must be reported by Client B. Since timely wage reports were not filed nor were contributions paid by Client B, penalties will be assessed and interest charged. Waiver of such penalty and interest can be granted only for the reasons set forth in Part 2765. Employee Leasing Company A may amend its wage reports to remove the workers and then file for a refund or adjustment as provided in Section 2701 of the Act.

- b) In order to satisfy the reporting requirement in paragraph 4 of subsection B of Section 206.1 of the Act, a report must contain:
- 1) the name of the client,
 - 2) a general description of the client's business and business locations,
 - 3) the client's unemployment insurance account number (if any), and

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- 4) the effective date of the employee leasing company's contract with the client.
 The report shall be accompanied by either a power of attorney to represent the client or a certification by an officer or employee of the employee leasing company that the information contained in the report is true and correct to the best of his or her knowledge.

- c) Whenever the employee leasing relationship between an employee leasing company and its client is terminated, the employee leasing company must report the name of the client, the client's unemployment insurance account number (if any) and the effective date of the termination within 30 days after that date.

- d) The terms used in this Section shall have the meanings set forth for them in Section 206.1 of the Act.

- e) The notices required by this Section shall be mailed or sent by facsimile transmission to the Illinois Department of Employment Security, Revenue Division, 401 S. State St., 4th Floor North, Chicago, IL 60605, Attn: Employer Services. A facsimile transmission is subject to Section 2712.1 with respect to the risk of nontransmission and the effect of the dates imprinted by the Department's and sender's respective telefax machines.

(Source: Added by emergency rulemaking at 24 Ill. Reg. 14791, effective September 22, 2000, for a maximum of 150 days)

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Board of Appeals

2) Code Citation: 86 Ill. Adm. Code 210

3) Section Numbers:
210.110 Emergency Action:
Amendment

4) Statutory Authority: 20 ILCS 2505

5) Effective Date of Emergency Amendment: September 25, 2000

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

7) Date filed with the Index Department: September 25, 2000

8) A copy of the emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Reason for Emergency: A matter currently before the Department's Board of Appeals has highlighted the need for an amendment to Section 210.110. In a matter before the Board, two members of the Board have recused themselves from consideration of the matter because of actual or potential conflicts of interest. Under the current rule, the one remaining Board Member is precluded from making a recommendation for relief to the Director. This situation is inequitable, and constitutes a threat to the public interest. The rulemaking addresses this inequity.

10) A complete Description of the Subjects and Issues Involved: The rulemaking modifies the current rule to allow for situations in which one or more Board Members recuse themselves to avoid a conflict of interest, or the potential for a conflict of interest.

11) Are there any proposed amendments to this Part pending? No

12) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.

13) Information and questions regarding this Emergency Amendment shall be directed to:

Keith Staats
General Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

The full text of the Emergency Amendment begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

PART 210

BOARD OF APPEALS

Section

210.101 Filing of Written Petition

210.105 Hearings

210.110 Recommendations

EMERGENCY

210.115 Offers in Compromise

210.120 Waiver of Penalty and Interest

210.125 Denial by Lapse of Time

210.126 Voluntary Disclosure

210.130 Departmental Controversies

210.135 Decisions of the Board

AUTHORITY: Implementing and authorized by Sections 2505-505, 2505-250 and 2505-190 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-505, 2505-250 and 2505-190].

SOURCE: Adopted at 5 Ill. Reg. 5346, effective April 30, 1981; codified at 6 Ill. Reg. 801, effective January 5, 1982; amended at 13 Ill. Reg. 6782, effective April 12, 1989; emergency amendment at 17 Ill. Reg. 665, effective January 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8860, effective June 2, 1993; emergency amendment at 24 Ill. Reg. 14703, effective September 25, 2000, for a maximum of 150 days.

Section 210.110 RecommendationsEMERGENCY

a) No relief may be recommended to the Director except by affirmative vote of at least 2 Board Members, except as otherwise provided in this Section.

b) Upon occasion, Board Members may be required to recuse themselves from consideration of a particular case because of an actual or potential conflict of interest. In such situations, no relief may be recommended to the Director except by an affirmative vote of the majority of the Board Members who have considered the case.

(Source: Amended by emergency rulemaking at 24 Ill. Reg. 14703, effective September 25, 2000, for a maximum of 150 days)

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER
OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING
FISCAL YEAR 2000

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (1996)) requires the Board to annually publish in the Illinois Register and Environmental Register a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2000 (July 1, 1999, through June 30, 2000).

**Final Actions Taken by the Pollution Control Board in Adjusted Standards
Proceedings During Fiscal Year 2000 (July 1, 1999, through June 30, 2000)**

Docket/Docket titleFinal Determination

In the Matter Of: Petition of
Horsehead Resource Development
Company, Inc. for an Adjusted
Standard Under 35 Ill. Adm.
Code 720.131(c) (August 5,
1999), AS 00-01

The Board dismissed the petition filed on behalf of this Chicago, Cook County facility for an adjusted standard from the definition of "solid waste" or "hazardous waste" under the RCRA Subtitle C regulations because the petitioner had failed to timely publish the notice required by Section 28.1(d)(1) of the Act.

In the Matter Of: Petition of
Horsehead Resource Development
Company, Inc. for an Adjusted
Standard Under 35 Ill. Adm.
Code 720.131(c) (February 17,
2000), AS 00-02

The Board determined with respect to this Chicago, Cook County facility that the crude zinc oxide (CZO) product generated by the facility should be classified as a commodity-like material and is not a solid waste subject to regulation under the RCRA Subtitle C hazardous waste rules.

In the Matter Of: Petition of
the Ensign-Bickford Company
for an Adjusted Standard from
35 Ill. Adm. Code 237.103
(September 23, 1999), AS 00-03

The Board dismissed this petition filed on behalf of a Wolf Lake, Union County facility for an adjusted standard from the Board's open burning restrictions because the petitioner had failed to timely publish the notice required by Section 28.1(d)(1) of the Act.

In the Matter Of: Petition of
Takasago Corporation (USA) for
an Adjusted Standard from 35
Ill. Adm. Code 302.208 and
304.105 (April 20, 2000), AS
00-04

The Board dismissed this petition filed on behalf of a University Park, Will County facility for an adjusted standard from certain of the wastewater discharge levels for total dissolved solids because the petitioner had failed to timely publish the

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

notice required by Section 28.1(d)(1) of the Act.

In the Matter Of: Petition of Ford Motor Company (Chicago Assembly Plant), for an Adjusted Standard from 35 Ill. Adm. Code 218.986 (April 6, 2000), AS 00-06

In the Matter Of: Petition of Central Illinois Public Service Company for an Adjusted Standard from 35 Ill. Adm. Code 302.208 (February 3, 2000), AS 00-07

In the Matter Of: Petition of Vonco Products, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexographic Printing Rule") (February 17, 2000), AS 00-08

In the Matter Of: Petition of Bema Film Systems, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexo- graphic Printing Rule") (February 17, 2000), AS 00-09

In the Matter Of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), and (c) (the "Flexo- graphic Printing Rule") (February 17, 2000), AS 00-10

In the Matter Of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) (June 8, 2000), AS 00-14

The Board granted this Chicago, Cook County facility an adjusted standard from certain volatile organic material emissions limitation requirements. The adjusted standard will enable Ford to implement an alternative emissions control plan for solvent clean-up operations.

The Board allowed the voluntary withdrawal of Central Illinois Public Service Company (CIPS)'s petition for an adjusted standard from the Board's general use water quality standards regulations for its Jackson County facility.

The Board allowed the voluntary withdrawal of Vonco Products, Inc.'s petition for an adjusted standard from certain of the Board's flexographic and rotogravure printing regulations for its Lake Villa, Lake County facility.

The Board allowed the voluntary withdrawal of Bema Film Systems, Inc.'s petition for an adjusted standard from certain of the Board's flexographic and rotogravure printing regulations for its Elmhurst, DuPage County facility.

The Board allowed the voluntary withdrawal of Formel Industries, Inc.'s petition for an adjusted standard from certain of the Board's flexographic and rotogravure printing regulations for its Franklin Park, Lake County facility.

The Board dismissed this petition filed on behalf of Heritage Environmental Services, Inc. for an adjusted standard for its Cook County site from certain of the Board's RCRA and UIC permit program regulations because the petitioner had failed to timely

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION

publish the notice required by Section 28.1(d)(1) of the Act.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2000 (July 1, 1999, through June 30, 2000)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2000.

Please address written comments or requests for copies, including the appropriate docket number, to:

Dorothy Gunn, Clerk
Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
312-814-3620

Please address questions concerning this notice including the appropriate docket number, to:

Name: Erin Conley
Pollution Control Board
600 S. Second St. Suite 402
Springfield, Illinois 62704
217-782-2471
conleye@ipcb.state.il.us

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY OBJECTIONS

POLLUTION CONTROL BOARD

1) Heading of the Part: Standards for Universal Waste Management2) Code Citation: 35 Ill. Adm. Code 7333) Section Numbers: Proposed Action:

733.101	Amendment
733.102	Amendment
733.103	Amendment
733.104	Amendment
733.105	Renumber, Add
733.107	Repeal
733.108	Renumber, Amendment
733.109	Renumber, Amendment
733.110	Amendment
733.113	Amendment
733.114	Amendment
733.130	Amendment
733.132	Amendment
733.133	Amendment
733.134	Amendment
733.150	Amendment
733.160	Amendment
733.181	Amendment

4) Notice of Proposal published in Illinois Register: 3/24/00; 24 Ill. Reg. 47665) Notice of Adopted Rules published in Illinois Register: 7/7/00; 24 Ill. Reg. 98746) JCAR Statement of Objection published in Illinois Register: 8/4/00

7) Summary of Action taken by the Agency: PCB proposed identical in substance amendments to this Part in March tracking the federal regulation. At that point, neither the PCB proposal nor the federal regulation permitted controlled crushing of lamps as a means of volume reduction. In the State proposal, this was accomplished by striking existing regulation, properly promulgated under Illinois statute, permitting controlled crushing. In June, at adoption, PCB restored the stricken provisions, rendering the rule no longer identical in substance to the USBPA regulations. As the rule then permitted handling this universal waste by a method the federal regulations do not allow, the Illinois rule could not be characterized as being more stringent than federal regulations, as allowed by the Illinois statute authorizing identical in substance rulemaking.

8) JCAR action: The rule generally replaced existing Illinois handling

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY OBJECTIONS

POLLUTION CONTROL BOARD

requirements for universal waste lamps with substantially similar federal requirements that waste lamps, including broken or damaged lamps, be placed in structurally sound containers that must remain closed with no evidence of damage, leaks or spills. However, it retained provisions of the existing rule (originally proposed to be stricken) allowing controlled crushing of lamps. JCAR objected to PCB's continuing to use the identical in substance rulemaking process because, by allowing controlled crushing of lamps, an option not provided for in the federal rules, the proposed rule was no longer identical in substance to the federal rule. JCAR's Objection was not to the substance of the rule, but rather to PCB's failure to abandon the identical in substance process and re-propose the rule change through the regular rulemaking process once it was no longer identical in substance to the federal rule. The Board's response to the Objection offered nothing to remedy the Committee's procedural Objection. This Notice of Failure to Remedy the Objection is published in accordance with 1 Ill. Adm. Code 220.1300.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Licensure of Direct Child Welfare Services Employees and Supervisors

Code Citation: 89 Ill Adm Code 412

Section Numbers:

412.10	412.20
412.30	412.40
412.50	412.60
412.70	412.80
412.90	412.100

Date Originally Published in the Illinois Register: 3/3/00

24 Ill Reg 3464

At its meeting on September 19, 2000, the Joint Committee on Administrative Rules objected to the above cited rulemaking because the rulemaking authorizes the Direct Child Welfare Services Employee License Board to suspend, revoke or refuse to reinstate a license. 20 ILCS 505/3c states that these licensure actions are the responsibility of the Department, not the Board.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

Heading of the Part: Illinois Promotion Act Programs

Code Citation: 14 Ill Adm Code 510

Section Numbers:

510.110
510.120
510.140
510.150

Date Originally Published in the Illinois Register: 4/28/00

24 Ill Reg 6631

At its meeting on September 19, 2000, the Joint Committee on Administrative Rules considered the above cited rulemaking. DCCA has a policy, not set out in rules, requiring an audit whenever a grant exceeds \$300,000. Neither this Part, nor any other grant program rules, require this audit. JCAC recommends that DCCA codify into rules its policy for requiring an audit.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

STATE BOARD OF ELECTIONS

Heading of the Part: Established Political Party and Independent Candidate
Nominating Petitions

Code Citation: 26 Ill Adm Code 201

Section Numbers: 201.60

Date Originally Published in the Illinois Register: 10/8/99
23 Ill Reg 12013

At its meeting on September 19, 2000, the Joint Committee on
Administrative Rules objected to the above cited rulemaking because:

The applicable statute (10 ILCS 5/7-10) is very specific with respect to
the information required in candidate nominating petitions, providing in
pertinent part that:

Such petition shall be signed by qualified primary electors residing
in the political division for which the nomination is sought in
their own proper persons only and opposite the signature of each
signer, his residence address shall be written or printed. The
residence address required to be written or printed opposite each
qualified primary elector's name shall include the street address or
rural route number of the signer, as the case may be, as well as the
signer's county, and city, village or town, and state.

Given the detail of the form and substance of the information required by
statute, adoption of the proposed rule would lead to confusion and
misinterpretation among those seeking to comply with the statutory
directives for nominating petitions. It would be possible (and likely)
that candidates who are in full compliance with the statutory
requirements may still have signatures stricken because of their failure
to comply with an additional burden imposed by administrative rule.

Additionally, confusion would result from the fact that this rule would
only apply to nominating petitions filed with the State Board of
Elections. It would apply to petitions filed by candidates for State,
judicial and federal offices, but not candidates for local offices who
file with the county clerks of their respective counties.

If nominating petitions filed with the State Board are judged under
different standards than those filed with local election authorities,
litigation over the question of whether the differing standards are
constitutional in their unequal application would be likely

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

STATE BOARD OF ELECTIONS

For petition signatures not accompanied by a printed name, the rule
creates a presumption of invalidity if the signature is illegible, even
if there are other means by which to locate and compare the official
registration records of the signer. For example, with electronic
databases containing registration records, registration records can be
searched by address.

The proposed rule gives the Board the authority to invalidate illegible
signatures, "irrespective of the grounds for objecting to the signature".
Thus it appears to allow the State Board to invalidate illegible
signatures even if an objection has not been made, which is contrary to
the law in Illinois.

Finally, by seeking to impose this requirement the Board is incrementally
making it more burdensome for signers of nominating petitions. With one
more column to fill in, it is likely that more signers will leave out
other information that is required by statute, such as the complete
address of the signer, or perhaps the signature itself.

The agency's response will be placed on the JCAR agenda for further
consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

STATE BOARD OF ELECTIONS

Heading of the Part: New Political Party Nominating Petitions

Code Citation: 26 Ill Adm Code 202

Section Numbers: 202.60

Date Originally Published in the Illinois Register: 10/8/99
23 Ill Reg 12016

At its meeting on September 19, 2000, the Joint Committee on Administrative Rules objected to the above cited rulemaking because:

The applicable statute [10 ILCS 5/7-101] is very specific with respect to the information required in candidate nominating petitions, providing in pertinent part that:

Such petition shall be signed by qualified primary electors residing in the political division for which the nomination is sought in their own proper persons only and opposite the signature of each signer, his residence address shall be written or printed. The residence address required to be written or printed opposite each qualified primary elector's name shall include the street address or rural route number of the signer, as the case may be, as well as the signer's county, and city, village or town, and state.

Given the detail of the form and substance of the information required by statute, adoption of the proposed rule would lead to confusion and misinterpretation among those seeking to comply with the statutory directives for nominating petitions. It would be possible (and likely) that candidates who are in full compliance with the statutory requirements may still have signatures stricken because of their failure to comply with an additional burden imposed by administrative rule.

Additionally, confusion would result from the fact that this rule would only apply to nominating petitions filed with the State Board of Elections. It would apply to petitions filed by candidates for State, judicial and federal offices, but not candidates for local offices who file with the county clerks of their respective counties.

If nominating petitions filed with the State Board are judged under different standards than those filed with local election authorities, litigation over the question of whether the differing standards are constitutional in their unequal application would be likely.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING

STATE BOARD OF ELECTIONS

For petition signatures not accompanied by a printed name, the rule creates a presumption of invalidity if the signature is illegible, even if there are other means by which to locate and compare the official registration records of the signer. For example, with electronic databases containing registration records, registration records can be searched by address.

The proposed rule gives the Board the authority to invalidate illegible signatures, "irrespective of the grounds for objecting to the signature". Thus it appears to allow the State Board to invalidate illegible signatures even if an objection has not been made, which is contrary to the law in Illinois.

Finally, by seeking to impose this requirement the Board is incrementally making it more burdensome for signers of nominating petitions. With one more column to fill in, it is likely that more signers will leave out other information that is required by statute, such as the complete address of the signer, or perhaps the signature itself.

The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

STATE BOARD OF ELECTIONS

Heading of the Part: The Campaign Financing ActCode Citation: 26 Ill Adm Code 100Section Numbers: 100.70Date Originally Published in the Illinois Register: 8/25/00
24 Ill Reg 13039

At its meeting on September 19, 2000, the Joint Committee on Administrative Rules objected to the emergency rules of the State Board of Elections titled The Campaign Financing Act (26 Ill Adm Code 100; 24 Ill Reg 13039) because the statute it implements has been ruled unconstitutional (Will County Circuit Court; 99-CF-340).

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: ResearchCode Citation: 77 Ill Adm Code 2075Section Numbers: 2075.10Date Originally Published in the Illinois Register: 6/16/00
24 Ill Reg 8197

At its meeting on September 19, 2000, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommends that the Department of Human Services withdraw its rulemaking titled Research (77 Ill Adm Code 2075; 24 Ill Reg 8197) because the Illinois Controlled Substances Act still authorizes the Department to allow researchers to protect the confidentiality of research subjects.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY
STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING
DEPARTMENT OF INSURANCE

Heading of the Part: Privacy of Personal Information

Code Citation: 50 Ill Adm Code 4001

Section Numbers: 4001.30

Date Originally Published in the Illinois Register: 8/11/00
24 Ill. Reg. 12137

At its meeting on September 19, 2000, the Joint Committee on Administrative Rules objected to the provision of Section 4001.30 of the emergency rules of the Department of Insurance titled "Privacy of Personal Information (50 Ill Adm Code 4001; 23 Ill Reg 12137)" that implies that the Illinois Insurance Code encompasses Acts other than 215 ILCS 5. The General Assembly has assigned the short title Illinois Insurance Code to 215 ILCS 5. For the Department of Insurance to imply that the term includes other Acts as well would lead to confusion for the public. The naming of statutes is within the purview of the General Assembly, not an administrative agency. Under the Illinois Compiled Statutes organization, the term Chapter 215 designates the multiple Acts the Department is attempting to reference.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY
STATEMENT OF OBJECTION
TO PROPOSED RULEMAKING
DEPARTMENT OF TRANSPORTATION

Heading of the Part: Diesel Emission Inspection Program

Code Citation: 92 Ill Adm Code 460

Section Numbers: 460.100 460.110 460.120 460.130
460.140 460.200 460.210 460.220
460.230 460.240 460.250 460.300
460.310 460.320 460.330 460.400
460.410 460.500 460.510 460.520
460.600 460.605 460.610 460.620

Date Originally Published in the Illinois Register: 7/14/00
24 Ill Reg 10112

At its meeting on September 19, 2000, the Joint Committee on Administrative Rules objected to the above cited rulemaking because DOT has shown insufficient reasons for not allowing use of contractual mobile private testing stations in the diesel emission testing program.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION
TO EXISTING RULE

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Child Care

Code Citation: 89 Ill Adm Code 50

Section Numbers: 50.410(c) and (d) and 50.420(a)

Date Originally Published in the Illinois Register: 4/21/00

24 Ill Reg 6477

At its meeting on September 19, 2000, the Joint Committee on Administrative Rules objected to Sections 50.410(c) and (d) and 50.420(a) of the Department of Human Services'92 adopted rules titled Child Care because the Department has promulgated rules that exceed the Department's statutory authority under 305 ILCS 5/9A-11.5.

The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 19, 2000 through September 25, 2000 and have been scheduled for review by the Committee at its October 17, 2000 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice	Agency and Rule	Start Of First Notice	JCAR Meeting
Expires			
11/2/00	Department of Human Services, Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)	5/5/00 24 Ill Reg 6768	10/17/00
11/3/00	Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)	3/17/00 24 Ill Reg 3953	10/17/00
11/4/00	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	7/14/00 24 Ill Reg 10051	10/17/00

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